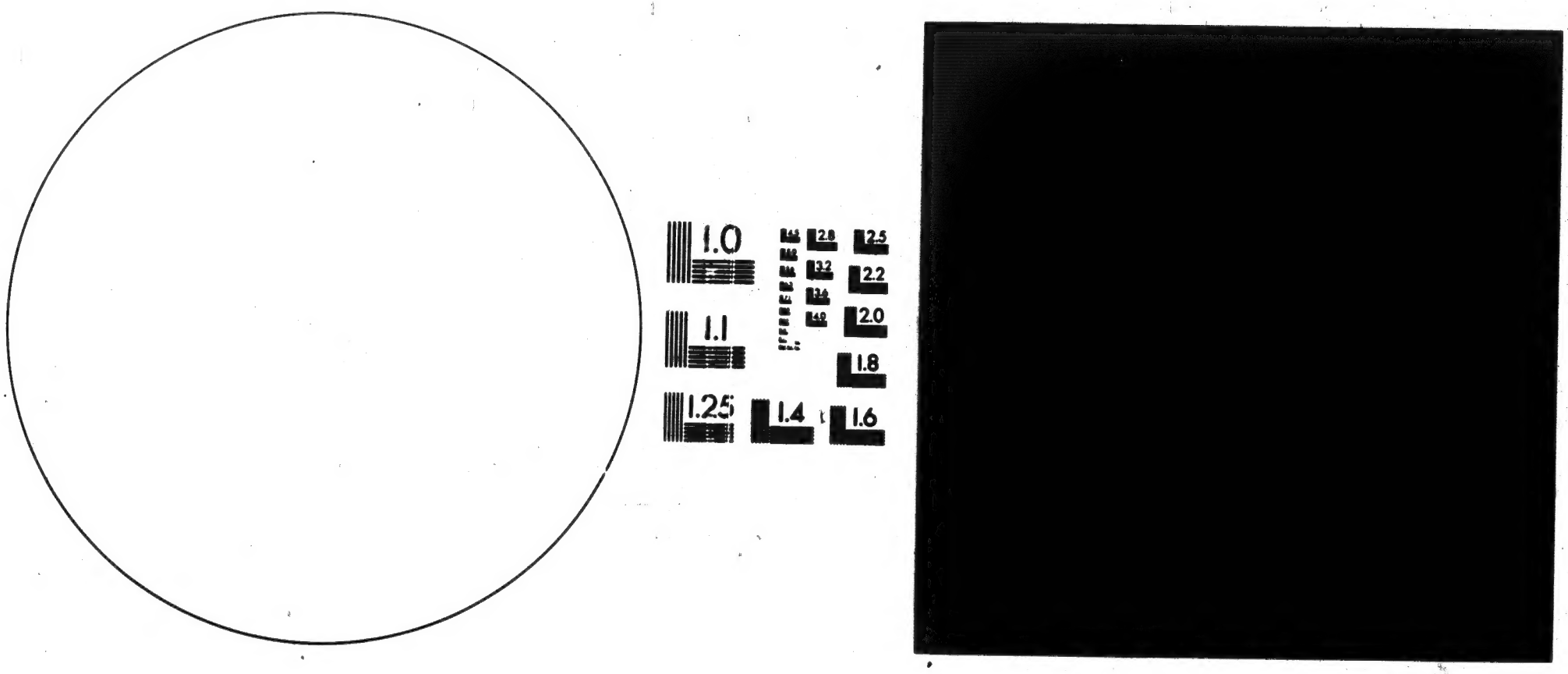
THE GENEALOGICAL SOCIETY
OF UTAH
50 East North Temple • Salt Lake City, Utah 84150 U.S.A.



SHOULD MEASURE .25" AT REDUCTION

0 12x 16x 20x 24x 28x 30x

NATIONAL ARCHIVES MICROFILM PUBLICATIONS

Microfilm Publication M1301

APPLICATIONS FOR ENROLLMENT OF THE

COMMISSION TO THE FIVE CIVILIZED TRIBES

1898 - 1914

ROLL 38

Choctaw by Blood 5824-5891

THE NATIONAL ARCHIVES
NATIONAL ARCHIVES AND RECORDS SERVICE
GENERAL SERVICES ADMINISTRATION

WASHINGTON: 1983

Choc 5824
Eva Dukes

In the matter of the application for the enrollment of Eva Dukes as a citizen by intermarriage of the Choctaw Nation.

7-D-221.

D. 221

Commission to the Five Civilized Tribes,

Spiro, Indian Territory.

In the enrollment of Eva Dukes as intermarried Choctaw. G.W. Dukes being sworn and examined by Com. McKennon testifies:

Name is G. W. Dukes, forty-nine years old.

Q You are acquainted with Eva Dukes? A Yes sir.

Q Was she the wife of your son? A Yes sir, of Henry.

Q Were you present when they were married? A Yes sir.

Q They were married according to law? A Yes sir.

Eva Dukes, being sworn and examined, testifies:

Q Your name is Eva Dukes? A Yes sir.

Q What is your age? A Twenty-one.

Q Was you married to Henry Dukes, were you? A Yes sir.

Q A Choctaw citizen? A Yes sir.

Q You are separated from him now? A Yes sir.

Q Why? A Well we just couldn't get along.

Q Did you leave him? A The last time he left me.

Q You left him before did you? A Yes sir.

Q How many times had you left him before? A I think we was only parted two times; we separated last July.

Q You haven't been living with him since? A No sir.

Q Are you divorced, either one of you? A Yes sir.

Q Which one got the divorce? A He did.

Q You know upon what grounds? A Not positive, the Judge there knows.

Q You just couldn't get along, and for that reason you separated? A Yes sir.

Q Have you married again? A No sir.

Q You have one child by him? A Yes sir.

Q You left him once and then you get together again?

A Yes sir.

Q Did you go back to him or did he come to you? A We happened to both be at the same place, and get back together.

Q Then afterwards he left you? A Yes sir, he left me; went back together on the 9th of July and parted on the 11th of the same month.

G.W.Dukes, again testifies:

Q Do you know upon what grounds your son got the divorce?

A The complaint was adultery.

Q You know whether that was established to the satisfaction of the Court? A I suppose so; the witnesses swore to the fact.

Q Party who claimed to have had connection with her? A No sir somebody else saw them .

Eva Dukes again testifies:

So far as the adultery is concerned, it isn't so; they may have sworn it, but it is not so. I have always lived a virtuous life; I was raised an orphan by virtuous people.

Q You then assert that that is not true? A No sir it is not.

Department of the Interior,
Commission to the Five Civilized Tribes.

I [illegible] as
[illegible] that this
[illegible] translation of

M D Green

Department of the Interior.
Commission to the Five Civilized Tribes.
Wister, Indian Territory, December 18th, 1902.

Choctaw D-221.
Intermarried.

In the matter of the application of Eva Dukes for enrollment as an intermarried citizen of the Choctaw Nation.

--Applicant represented by John London, Attorney, Poteau, I.T.--

Eva Dukes, having been first duly sworn, upon her oath testifies as follows:

Examination by the Commission:

Q What is your name? A Eva Dukes.
Q How old are you? A Twenty four.
Q What is your post office address? A Poteau, Indian Territory.
Q How long have you been a resident of the Choctaw Nation? A Eight years.
Q Have you lived here continuously for the past eight years?
A Yes sir.
Q Never made your home anywhere else during that time? A No sir.
Q Do you claim intermarried rights in the Choctaw Nation? A Yes sir
Q What is the name of your Choctaw husband through whom you claim these rights? A Henry Dukes.
Q Is he a recognized and enrolled citizen of the Choctaw Nation?
A Yes sir.
Q When were you married to Henry Dukes? A It was 8 years ago last June.
Q Where was the marriage ceremony performed? A At Talihina, Wade county.
Q At that time were both you and your husband bona fide residents of the Choctaw Nation? A Yes sir.
Q How long had you lived here at that time? A I was born and raised in the nation.
Q You stated just before that you had lived here for eight years?
A I meant that I had been married that long.
Q You have really lived here all your life. A Yes sir.
Q Who performed the marriage ceremony? A Judge Frazer
Q Were you married under a license? A No sir.
Q Where were you married---at whose house? A Ben Woods' house.
Q Did you get a certificate? A I never, but my husband did; we were married according to the Choctaw law.
Q Who was present at that marriage? A There were so many I can't remember; I can tell you a few names---Mr Dukes' father was there and his family, and my sister, Mrs Wade and her family and Judge Frazer's family.
Q Were you ever married before your marriage to Henry Dukes? A No sir
Q Was he ever married before his marriage to you? A No sir.
Q After this marriage how long did you live together continuously as husband and wife? A We lived together about three years.
Q At the end of that time did you separate? A Yes sir.
Q What was the cause of this separation? A We disagreed.
Q Did you leave him or didhe leave you? A I left him but he was the cause of it.
Q Was there any other reason aside from your disagreeing? A Not that I know.
Q Was there any other reason alleged at that time? A Not that I know of, only disagreeable and jealous hearted.
Q Did you get a divorce? A No sir.
Q Did he get a divorce? A Yes sir.

Q Where didhe get this divorce? A Sulphur Springs , Choctaw Nation I believe.
Q What grounds did he allege for this divorce? A I do not know, it may be on the record; I did not appear.
Q Was there anything in your conduct which would give him any cause to want to get a divorce? A No sir.
Q Did you apply for a divorce? A Yes sir, and after I learned that he had applied for a divorce I quit.
Q You never contested his divorce? A No sir.
Q Since your separation from him have you remarried? A No sir.
Q Do you wish to make application for any one besides yourself? A Yes sir, for my child.
Q What is the name of this child for whom you wish to make application? A Jane Bohanan.
Q When was this child born? A September 9.
Q This year? A Yes sir.
Q What is the name of the father of this child? A Jim Bohanan.
Q Is he a recognized citizen of the Choctaw Nation? A Yes sir.
Q You were never married to the father of this child? A No sir.
Q Has he recognized the child as his? A To me, yes sir, he has.
Q Has he ever contributed in any way to your support or to the support of ths child? A No sir.
Q Have you ever lived together as husbandand wife? A No sir.

By Simon E. Lewis:

Q You were separated and divorced from Henry Dukes before the enrollment was made in 1899? A Yes sir.

By John London:

Q He treated you so bad that he drove you away from home? A Yes sir
Q He ordered you to leave before you left him? A Yes sir.

By the Commission:

Q Was there anything said about your conduct before your separation from Mr Dukes or afterwards? A I suppose so afterwards.
Q At the time of this separation was there an thing said about your conduct or not? A I don't know as he was jealous of any certain man or not.
Q Were you going with any other man at that time? A No sir.

By Simon E. Lewis:

Q Do you know what plea he put up in the court for a divorce? A I believe it was adultery, but it was not so as I have said before
Q This child you have got there has got no legal father? A No sir.

By the Commission:

Q What was the date of your separation from Mr Dukes? A I don't remember.
Q About how long ago? A About four years.

By John London:

Q Did you commit adultery with any one prior to the time Mr Dukes left you? A I did not.

(On motion of Mr London, thirty days time is allowed in which to present further testimony).

By the Commission:

Q At the time you were divorced from Mr Dukes who was given the custody of your children by him? A He was.
Q Are these children living with you now? A Yes/ LeRoy is the only one that is living.
Q The other child is dead? A Yes sir, Buddy is dead.
Q How did you get possession of LeRoy? A He just turned him over to me.
Q And he has lived with you ever since you were divorced? A Yes sir

Harry C Misteen, being first duly sworn, upon his oath states: That as stenographer to the Com mission to the Five Civilized Tribes he reporteain full all proceedings had in the above entitled cause on the 18th day of December, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Harry C Misteen

Subscribed and sworn to before me this 7th day of January 1903.

Charles H Sawyer
Notary Public.

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Eva Dukes as a citizen by intermarriage of the Choctaw Nation, Choctaw Field No. D-221.

- - - - - - - -

We hereby request, on behalf of the Choctaw and Chickasaw Nations, that final decision in this case be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of B. F. Thompson vs. Choctaw and Chickasaw Nations, No. 38 on the South McAlester Docket, in which the said court will decide the question of the validity of that portion of the intermarriage laws of the Choctaw Nation providing for the forfeiture of citizenship of white persons who separate from their Indian spouses, which question is involved in the case to which this communication refers.

This request is filed under authority granted by the Honorable Secretary of the Interior in his communication to the Commission to the Five Civilized Tribes upon the subject, dated November 18, 1903.

Attorneys for the Choctaw & Chickasaw Nations.

January 23, 1904.

Muskogee, Indian Territory, Jan 24 1907.

In the matter of the application for the enrollment of

Ed Dukes

as a citizen of the Choctaw Nation. D 221

Service of a copy of the decision of the Commissioner to the Five Civilized Tribes rendered on January 21 1907, together with the customary fifteen days within which to protest against the said decision is hereby waived.

Mansfield McMurray, Hosmish

Atteys for the Choctaw and Chickasaw Nation.

7-D 221

INDEXED

IN RE

Application for Enrollment of

INFANT CHILD

James Johannan Dukes

as a citizen of the

Chickasaw Nation.

Approved DEC 24 1902 190

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
DEC 24 1902.

ACTING CHAIRMAN.

CHOCTAW.

D 771

BIRTH AFFIDAVIT. 20

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation Nation,

of James Bohannan Dukes (Here insert name of child.), born on the 9th day of September, 1902

Name of Father: James Bohannan, a citizen of the Choctaw Nation.

Name of Mother: Eva Dukes, a citizen of the Choctaw Nation.

Post-Office: Poteau I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Central District.

I, Eva Dukes, on oath state that I am Twenty four years of age and a citizen, by Itermarriage, of the Choctaw Nation; that I am the ~~lawful~~ Divorced wife of Henry Dukes, who is a citizen, by ~~By blood~~, of the Choctaw Nation, that a Male (Male or female.) child was born to me on the 9th day of September 1902; that said child has been named James Bohannan Dukes, and is now living.

her
Eva x Dukes
mark

WITNESSES TO MARK:

(Must be Two Witnesses.) W. A. Welch (Jr.)
B. F. Fuller

Subscribed and sworn to before me this 19 *day of* December 1902

B. F. Fuller
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Central District.

I, Elizabeth Franklin, a mid wife, on oath state that I attended on Mrs. Eva Dukes Divorced, wife of Henry Dukes, on the 9th day of September, 1902; that there was born to her on said date a male (Male or female.) child; that said child is now living and is said to have been named James Bohannan Dukes.

her
Elizabeth x Franklin
mark

WITNESSES TO MARK:

(Must be Two Witnesses.) W. A. Welch Jr.
B. F. Fuller

Subscribed and sworn to before me this 19 *day of* December 1902

B. F. Fuller
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of James William Buchanan Meeks
(Here insert name of deceased.)
a citizen of the Choctaw Nation, who formerly resided at or near
Poteau
(Here insert name of postoffice), Ind. Ter., and died on the 11 day of
June, 1904.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, } Central District.

I, Eva Seales, on oath state that I am 26 years of age and a citizen, by Intermarriage, of the Choctaw Nation; that my postoffice address is Poteau (Here insert name of postoffice.), Ind. Ter.; that I am the Mother of James William Buchanan Meeks
(State relationship as: the father; an uncle; a cousin, etc.) (Here insert name of deceased)
who was a citizen, by Blood, of the Choctaw Nation; and that said James William Buchanan Meeks died on the 11 day of
(Here insert name of deceased.)
June, 1904. Eva ✕ Seales
mark

WITNESSES TO MARK:

(Must be Two Witnesses.) } H. H. Foister
J. C. Bolger

Subscribed and sworn to before me this 27 day of April, 1905.

my Comm Expires
March 18, 1905.

W. H. Harrison
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, } Central District.

I, David Willis, on oath state that I am 33 years of age, and a citizen by Blood, of the Choctaw Nation; that my postoffice address is Poteau (Here insert name of postoffice.), Ind. Ter.; that I was personally acquainted with James William Buchanan Meeks
(Here insert name of deceased.)
who was a citizen, by Blood, of the Choctaw Nation; and that said James William Buchanan Meeks
(Here insert name of deceased) died on the 11 day of
June, 1904. David Willis

WITNESSES TO MARK:

(Must be Two Witnesses.) }

Subscribed and sworn to before me this 27 day of April, 1905.

my Commission Expires
March 18, 1905

W. H. Harrison
Notary Public.

United States of America,
Indian Territory,
Central District.

I David Willis on oath states that I am a citizen by blood of the Choctaw Nation and havem lived all my life about four miles from Poteau,I.T. That I was acquainted with James W.Bohana during his lifetime,that he is now dead.I am also acquainted with Eva Dukes ,now Eva Scales/ I know the minor known as James William Bohana Dukes. James W.Bohana,during his life time told me that James William Bohana Dukes was born in nine months and that it was his boy and he did not care if the authorities did arrest him for it.

David Willis

Subscribed and sworn to before me this 7th day of January 1907

W.H.Harrison
Notary Public.

My commission expires March 18,1907.

7-D-221.

Department of the Interior,
Commissioner to the Five Civilized Tribes.
Muskogee, Indian Territory, December 7, 1906.

In the matter of the application for the enrollment of James Bohanan Dukes as a citizen by blood of the Choctaw Nation.

-----ooOoo-----

EVA STEPPS, being first duly sworn, testified as follows:

Examination by the Commissioner:

Q What is your name? A Eva Stepps.
Q How old are you? A Twenty-eight.
Q Post office? A Brazil.
Q Your name was formerly Dukes wasn't it? A That was my first husband's name.
Q And you are so enrolled upon the final roll of intermarried citizens of the Choctaw Nation? A Yes sir.
Q Have you a child by the name of James Bohanan Dukes? A Yes sir.
Q Is he living? A No sir.
Q When did he die? A 11th day of last June two years ago.
Q What year was that? A Why, I don't remember. Well, now, June two years ago -- This is 1906, isn't it?
Q Was it 1904? A I can't tell you.
Q Who was the father of James Bohanah Dukes? A Was Jim Bohanan.
Q Were you ever married to Jim Bohanan? A No sir.
Q Where were you living when this boy was born? A Close to Poteau.
Q Where was James Bohanah living? A Right there in the same neighborhood.
Q Had you ever been married at that time? A No sir, not only to my Dukes husband, and we were separated at that time.
Q Well, has you been married at the time you gave birth to this boy, James Bohanan? A No sir, not at that time I wasn't married.
Q Were you keeping company with James Bohanan previous to the birth of this boy? A Yes sir, I was keeping company with him.
Q For how long a period? A Why, nine months before the child was born.
Q Did Mr. Bohanan come to see you very often during that time?
A Yes sir.
Q How often? A Why, I don't hardly know.
Q You have an idea haven't you? A Oh, every two or three days or such a matter.
Q When did James Bohanan die? A The father of the child?
Q Yes? A Last January two years ago.
Q January, 1904? (No answer.)

Q Well, how soon after the birth of this child did you marry Dukes?
A I didn't marry Dukes after I gave birth to the child.
Q Well, I asked you a while ago, and you stated you hadn't been married? A Well, I had been married, but was separated from my Dukes husband.
Q I asked you if you had been married at the time you gave birth to this child? A Well, I had been but I was separated and divorced.
Q Had you been separated from Dukes when you gave birth to this child? A Yes sir.
Q When did you get your divorce from Dukes? A Dukes got it from me.
Q When? A I don't remember the year.
Q Well, how long before the birth of the child? A Well, I suppose three years.
Q Well, what is the date of the birth of the child? A 9th day of September.
Q What year? A Well, I couldn't tell you that; he would have been four years old this last 9th of September.
Q He was born September 9, 1902? (No answer.)
Q Well, after the birth of this child, did James Bohanan ever recognize it in any manner as being his? A Yes sir.
Q In what way? A Why, he offered to keep the child up.
Q Well, did he ever contribute anything to the child's support?
A No, he never did, only by going to the merchant and told him to give me fifty dollars a year for the child, but I never did take anything against it.
Q Well, did you ever use the $50.00 a year? A No sir.
Q Well, then he never did contribute anything towards the child's support? A No sir, only the first week the child was born he gave me $2.50.
Q Did he ever come to see that child? A Yes sir.
Q Do you know whether or not he held that child out in the community in which you lived as his child? A You mean did he recognize it among other people?
Q Yes? A Yes sir.
Q Were you ever present when he made any admissions of that character? A No sir, never was present any more than in the presence of the merchant at Poteau.
Q Did he tell that merchant to allow you to get $50.00 worth of credit a year for the benefit of that child in your presence?
A Yes sir, he did.
Q Was James Bohanan married? A Yes sir.
Q At the time this child was born? A Yes sir, but he wasn't living with his wife; they were separated.
Q Did he have any children by his wife? A He had one.
Q Whose name did your child bear? A After his father's name.
Q Well, what name was he known by throughout the community?
A James William Bohanan.
Q Didn't you file an application for that child under the name of James Bohanan Dukes? A Yes sir, I did.
Q That is the name of the child, isn't it? A The Dukes part went from my name.
Q Did you name him James Bohananafter his father? A Yes sir.
Q Well, when did you remarry this last time? A Why, the 25th of January will be two years ago.
Q 1904? (No answer.)

Q Are any of Mr. Bohanan's relatives present here to-day?
A No sir. I don't know whether him and Mr. Willis are any kin or not.
Q Was James Bohanan, the father of this child, a Choctaw by blood?
A Yes sir.
Q How old a man was he at the time of his death? A Why, I don't know his age.
Q Well, approximately? A Why, something about twenty-seven or eight years old. I don't know his age correct.
Q What county was James Bohanan living in at the time of his death?
A Why, I don't know the names of the counties.
Q Why is it that you didn't accept this credit and offer of support on the part of Mr. Bohanan? A Why, simply because I wanted $75.00 a year for the child.
Q And because you couldn't get $75.00 you wouldn't take 50?
A No sir, we couldn't agree, so I went away and never took out anything.
Q After that did he call to see the child? A Yes sir, he came to see the child.

(Witness excused.)

DAVE WILLIS, being first duly sworn, testified as follows:

Examination by the Commissioner;

Q What is your name? A Dave Willis.
Q How old are you? A Thirty-three.
Q What is your post office? A Poteau.
Q Are you acquainted with Eva Stepps or Eva Dukes, this lady right here? A Yes sir.
Q How long have you known her? A I don't know how long.
Q Well, about how long. Known her five years or ten years?
A Yes, over ten; I think about twenty year.
Q Known her about all your life? A Yes.
Q Do you remember the occasoin of the birth of her child, James Bohanan Dukes? A Yes sir.
Q Were you living in that neighborhood at that time? A Yes sir.
Q How far did you live from Mrs. Dukes at that time? A About two miles.
Q Did you know James Bohanan? A Yes sir.
Q Was he a Choctaw Indian? A Yes sir.
Q How much blood? A He said he was a quarter.
Q Do you remember when he died? A Yes, I remember. I don't know the year though.
Q About how long ago? A I don't know how long ago.
Q Well, was it one year or two years or three years? A I think about two years.
Q Did you go to his funeral? A Yes sir.
Q How old was he when he died? A I don't know how old.
Q About how old? A I think about twenty-seven.
Q Was he older than you or younger? A Younger.

Q How much younger? A I think two years I was older.
Q You were two years older? A Yes, I am two years older.
Q What county do you live in? A Skully ville.
Q Do you know whether or not he recognized this child as his?
A Yes sir.
Q In what was did he recognize it? A Well, he told me it was his boy.
Q Told you that was his boy? A Yes.
Q What else did he tell you about it? A That is all he told me. He said they was going to pull him, and he said he didn't care, because it was his boy.
Q He said it was his boy? A Yes.
Q Well, wasn't he married at the time this child was born?
A No, James wasn't married. I don't understand you.
Q Well, was James Bohanan married when this child was born. Didn't he have a wife? A He got a wife, yes, he got one wife.
Q Well, didn't he have a wife when this child was born? (No answer.)

(Witness excused.)

EVA STEPPS, being recalled, testified as follows:

Examination by the Commissioner:

Q What is the name of James Bohanan's wife? A Annie.
Q Is she living at this time? A Yes sir.
Q Do you know the name of their child? A Yes sir.
Q What is it? A Elmer Bear Bohanan.

James W. Bohanan, the reputed father of the applicant herein, is identified upon Choctaw Field Card No. 2754, opposite No. 8069, approved by the Secretary of the Interior January 17, 1903.

(Witness excused.)

DAVE WILLIS, being recalled, testified as follows:

Examination by the Commissioner:

Q How long had you known James Bohanan? A I don't know, about eighteen years, I think.
Q Were you well acquainted with him? A Yes sir.
Q On very friendly terms with him? A Yes sir.
Q Good friends? A Yes sir.

Q Did he ever make any other statements to you about the parentage of this child other than the one you have already related when he said that he didn't care whether he was arrested or not, that he was the father of this child? A Yes sir.
Q Was that the only statement he ever made to you? A About arresting him?
Q No, about him being the father of this child? A No sir, he said that it was his boy.
Q Did the other people around there recognize this boy as being the child of James Bohanan? (No answer.)
Q Well, whose boy did the people think it was? A James Bohanan's.
Q Did you ever see this child? A Yes sir.
Q Under what name did he go? A James Bohanan.

(Witness excused.)

EVA STEPPS, being recalled, testified as follows:

Examination by the Commissioner:

Q For a year previous to the birth of this child had you been keeping company with anybody else besides James Bohanan?
A No sir.
Q Are you positive that James Bohanan is the father of this child?
A Yes sir.
Q You have every reason to believe it, have you? A Yes sir, I certainly believe it.

(Witness excused.)

Lenora B. Ashton, as stenographer to the Commissioner to the Five Civilized Tribes, on oath states that the reported the testimony in the above entitled cause on the 7th day of December, 1906, and that the above and foregoing transcript is a true and complete translation of her stenographic notes.

Lenora B. Ashton

Subscribed and sworn to before me this 8th day of December, 1906.

Chas. E. Webster

Notary Public.

7-D-221.

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY, JANUARY 17,1907.

In the matter of the application for the enrollment of James Bohanan Dukes as a citizen by blood of the Choctaw Nation.

W. A. WELCH, Jr. being first duly sworn by W. W. Chappel, testified as follows:

(Examination by the Commissioner)

Q What is your name? A W. A. Welch, Jr.
Q How old are you? A 40 years old.
Q What is your post office address? A Poteau, Indian Territory.
Q Are you acquainted with Eva Steps, or Eva Dukes? A Yes sir.
Q How long have you known her? A For some 15 years.
Q Where did you become acquainted with her? A Near Poteau.
Q Was she residing in that neighborhood at that time? A Yes.
Q You residing there also? A Yes sir.
Q How long have you been living at Poteau? A 20 year the third day of this coming June.
Q Are you engaged in business at Poteau? A Yes sir, mercantile business.
Q How long since you began business there? A Third day of June, 1887.
Q Are you acquainted with James Bohanan Dukes, Eva Dukes' son?
A I was until his death.
Q When did he die? A I think it must have been in the winter of 1904. I do not remember about the date.
Q Do you know who the father of James Bohanan Dukes is?
A Well, nothing more than what Bohanan told me himself, He said that he was.
Q What Bohanan is that? A James Bohanan.
Q Is James Bohanan living? A No sir, he is dead
Q Was Eva Dukes living in your neighborhood when this child was born? A Yes, she lived about three miles from my place.
Q Who did the people in the community in which you live recognize as the father of this child? A Jim Bohanan.
Q Was it so understood generally? A So far as I know and I have heard a great many people speak of it in that way.
Q Did you ever have any conversation with James Bohanan in his life time relative to this child? A Yes sir.
Q State when this conversation occurred? A I think it was in March, 1903.
Q Was that the first conversation you had with him about that child? A Yes sir, I think it was.
Q What was the substance of that conversation? A The substance of that conversation was that---Maybe I might make a little explanation there. She, Mrs. Dukes, was a customer of mine and so was Mr. Bohanan, and after this thing occurred, she was always talking about doing something with him if he did not

help her out in her condition. She had talked with me about the matter on two or three different occasions , and I asked her to not put him to any trouble; that sometime when I had an opportunity I would talk with him and it was possible that we could come to some amicable agreement. So at this particular time that I stated awhile ago, he was in my store and I approached him on the subject and suggested that he pay her $75 a year. He said that it was more than he was able to pay, but that it was his, and he was willing to pay her $50 a year for its support.

Q Who was present when that conversation took place, besides you and Mr. Bohanan. A Mrs. Dukes. She was not there at the time it began, but before the conversation was completed she came in and the conversation was repeated to her.

Q That same day? A Yes sir, that same day.

Q Did he authorize you to extend to Mrs. Dukes $50 a year, if she would accept? A No sir. She refused at that time, said that $75 was as little as she could support that child with, and he was killed right away, and she has never got anything.

Q Was it known in the community in which you and these parties resided that prior to the birth of this child that he was keeping company with this woman? A Yes sir.

Q Was he living with his wife at that time? A No sir.

Q He had a wife, didn't he? A Yes sir.

Q They had separated? A Yes sir.

Q During this conversation he admitted to you, did he, that this child was his son? A Yes sir.

Q Was that the only conversation that you ever had with him relative to this matter? A No sir, I had several with him afterwards, but not when she was present.

Q Did he at any time disavow the parentage of this child?

A Never did. I should have said never did to me, I don't know what he did to others.

Q Have you ever heard it stated that anyone else was the father of this child? A No sir, I never did.

Q Do you know under what name that child went during its residence in and around Poteau? A Well, she always called it James William Bohanan Dukes--that was the name she called it by. I think that was his full name and her last name.

Q Prior to this conversation that you had with Mrs. Dukes, relative to the support of this child, did you ever talk with her about this matter? A At no time except on occasions when I could approach her and try to keep her from putting him in any trouble. I had approached her on one or two occasions for that purpose.

Q Did she all along claim that the father of this child was James Bohanan? A Yes sir. She was a white woman and the father of the child was an Indian, something like 3/4 blood, and the child showed Indian plain---distinctly.

Q You saw the child frequently? A I saw him lots of times, yes sir.

(Witness excused)

Kate DeBord, beingfirst duly sworn, on oath states that she correctly reported all proceedings had in the above entitled and numbered cause on the 18th day of January, 1907, and that the

above and foregoing is a full, true and correct transcript of her stenographic notes taken therein on said date.

Kate DeBard.

Subscribed and affirmed to before me this 18th day of January, 1907.

Edward Merrick

Notary Public.

7-D-221.
O.L.J.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of James Bohanan Dukes as a citizen by blood of the Choctaw Nation.

D E C I S I O N.

It appears from the record herein that on December 24, 1902, application was made to the Commission to the Five Civilized Tribes for the enrollment of James Bohanan Dukes as a citizen by blood of the Choctaw Nation.

It further appears from the record herein that said applicant was born on September 9, 1902, and is the illegitimate child of Eva Dukes, whose name appears as number 1176 upon the final roll of citizens by intermarriage of the Choctaw Nation approved by the Secretary of the Interior November 16, 1904, and James W. Bohanan, a recognized and enrolled citizen by blood of the Choctaw Nation, whose name appears as number 8067 upon the final roll of citizens by blood of said nation approved by the Secretary of the Interior January 17, 1903.

I am, therefore, of the opinion that James Bohanan Dukes should be enrolled as a citizen by blood of the Choctaw Nation, under the provisions of the Acts of Congress approved June 28, 1898 (30 Stats., 495), and July 1, 1902 (32 Stats., 641), and it is so ordered.

Commissioner.

Muskogee, Indian Territory,

JAN 21 1907

7-D-221.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Eva Dukes as a citizen by intermarriage of the Choctaw Nation.

--:--

D E C I S I O N.

It is shown by the census card record of the Commission that Eva Dukes appeared before the Commission, June 12, 1899, and made personal application for the enrollment of herself as a citizen by intermarriage of the Choctaw Nation, and that further proceedings were had December 18, 1902, at Wister, Indian Territory, and application was made for the enrollment of James Bohanan Dukes, the minor child of the applicant, as a citizen by blood of the Choctaw Nation. The application for the enrollment of the said James Bohanan Dukes being differently classified his rights are not adjudicated in this decision.

It further appears from the record herein that in the month of June 1894, the applicant, Eva Dukes, was lawfully married to Henry Dukes, a recognized and enrolled citizen by blood of the Choctaw Nation, whose name appears as number 6400 upon the lists prepared by this Commission, under the Act of Congress approved July 1, 1902 (32 Stat., 641), of persons entitled to enrollment as citizens by blood of the Choctaw Nation, and approved by the Secretary of the Interior, January 17, 1903; that at the time of said marriage both persons above mentioned were residents in good faith of the Choctaw Nation, and lived together therein as husband and wife continuously until their separation about three years thereafter; since which time the applicant has not remarried. That the applicant had been a resident in good faith of the Choctaw Nation from the date of her said marriage to Henry Dukes up to and including September 25, 1902.

Upon an examination of the tribal rolls in the possession of the Commission the applicant is identified upon the 1896 Choctaw Census Roll, page 385, number 14467, as Avey Dukes, enrolled thereon as a citizen by intermarriage.

It is, therefore, the opinion of this Commission that following the ruling of the Department in the case of Thornton D.

Pearce (I. T. D. 4060-1904), relative to the question of forfeiture, Eva Dukes should be enrolled as a citizen by intermarriage of the Choctaw Nation, in accordance with the provisions of the Acts of Congress approved June 28, 1898 (30 Stat., 495) and July 1, 1902 (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

C. R. Breckinridge.
Commissioner.

Muskogee, Indian Territory,

OCT 15 1904

Choctaw D-221.

Muskogee, Indian Territory, October 15, 1904.

Eva Dukes,

Poteau, Indian Territory.

COPY.

Dear Madam:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered on October 15, 1904, granting your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling you as a citizen of the Choctaw Nation. If, at the expiration of said time, no protest has been filed, your name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Tams Bixby.

Chairman.

Registered.
Enc. 7-D221.

Choctaw D-221

Muskogee, Indian Territory, October 15, 1904.

John London,

Attorney-at-Law,

Poteau, Indian Territory.

COPY.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on October 15, 1904, rendered its decision granting the application for the enrollment of Eva Dukes as a citizen by intermarriage of the Choctaw Nation.

The attorneys of the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If, at the expiration of said time, no protest has been filed, her name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED) Tams Bixby.

Chairman.

Registered.

Choctaw D-221.

Muskogee, Indian Territory, October 15, 1904.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

COPY.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission, rendered October 15, 1904, granting the application for the enrollment of Eva Dukes as a citizen by intermarriage of the Choctaw Nation.

You are hereby notified that you will be allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If, at the expiration of said time, no protest has been filed, her name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED) Tams Bixby.

Chairman.

Registered.
Enc. 7-D221.

For registry slip see 7-D-255.

7-D-221

COPY

Muskogee, Indian Territory, January 21, 1907.

Eva Stepps,

Brazil, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 21, 1907, granting the application for the enrollment of James Bohanan Dukes as a citizen by blood of the Choctaw Nation.

You are hereby advised that the name of James Bohanan Dukes will be placed upon the next schedule of citizens by blood of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Incl. 7-D-221.

Registered.

7-D-221.

COPY.

Muskogee, Indian Territory, January 21, 1907.

Mansfield, McMurray and Cornish.

Attorneys for the Choctaw and Chickasaw Nation,

South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 21, 1907, granting the application for the enrollment of James Bohanan Dukes as a citizen by blood of the Choctaw Nation.

You are hereby advised that the name of James Bohanan Dukes will be placed upon the next schedule of citizens by blood of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Incl. 7-D-221

Registered.

Muscogee, Indian Territory,

August 18th, 1900.

Eva Dukes,

Thomasville, Indian Territory.

Dear Miss:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs McKennon, Mansfield, McMurray, & Cornish, has filed with this Commission a notice of protest to your enrollment as a citizen of the Choctaw Nation.

The Commission, commencing December 3rd, 1900, will hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Acting Chairman.

7-D-221.

7 - D 221

Muskogee, Indian Territory, September 15, 1903.

Eva Dukes,

Poteau, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 8th instant, requesting to be advised relative to the enrollment of yourself and your infant child, James William Bohannon Dukes.

You are advised it appears from our records that you are listed among the doubtful claimants to enrollment as an intermarried citizen of the Choctaw Nation and your infant son, James Bohanon Dukes, is listed among the doubtful claimants to enrollment as a citizen by blood of the Choctaw Nation. No decision has yet been rendered by the Commission relative to your final right to enrollment as an intermarried citizen of the Choctaw Nation, or the right of your infant son to enrollment as a citizen by blood of the Choctaw Nation. As soon as a decision has been reached relative to the rights of either of the above named persons you will be notified of the action taken by the Commission therein.

Respectfully,

Chairman.

Choctaw D 221

Muskogee, Indian Territory, February 11, 1904.

Eva Dukes,

Thomasville, Indian Territory,

Dear Madam:

You are hereby advised that under direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Choctaw and Chickasaw Nationsdated January 23, 1904, no further action will be taken relative to your enrollment as an intermarried citizen of the Choctaw Nation until the Commission is further instructed by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

Choctaw D 221

Muskogee, Indian Territory, April 15, 1904.

Eva Dukes,

Poteau, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of April 9, asking the status of your enrollment as an intermarried citizen of the Choctaw Nation.

In reply you are advised that the Commission has not yet passed upon your application for enrollment as an intermarried citizen of the Choctaw Nation, but will, as early as practicable, take up the same for consideration and determination. As soon as a decision is reached in this case you will be notified of the action taken therein.

Respectfully,

Commissioner in Charge.

Choc taw-D-221.

Muskogee, Indian Territory, July 18, 1904.

Eva Dukes,

Poteau, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of July 12th, in which you ask if you have been approved by the Commission as an intermarried citizen.

In reply to your letter, you are informed that the Commission has not yet passed upon your application for enrollment as an intermarried citizen of the Choctaw Nation, for for the enrollment of your son, James Bohannan Dukes, as a citizen by blood of the Choctaw Nation. When a decision is reached in this case, you will be notified of the action taken therein.

Respectfully,

Commissioner in Charge.

7-5834

Muskogee, Indian Territory, November 22, 1904.

Eva Dukes,

Poteau, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of November 18, 1904, in which you ask if your citizenship is established so you may go to the Land Office and file on your lands.

In reply to your letter you are informed that on November 16, 1904, the Secretary of the Interior approved your enrollment as an intermarried citizen of the Choctaw Nation, and selection of allotment may now be made by your personal appearance at the Land Office for the Nation in which your land is located.

Respectfully,

Chairman.

7-D-221

Muskogee, Indian Territory, January 6, 1905.

W. H. Harrison,

Attorney at Law,

Poteau, Indian Territory.

Dear Sir,

Receipt is hereby acknowledged of your letter of January 2, 1905, asking the exact status of the citizenship of James William Bohanan Dukes..

In reply to your letter you are informed that the Commission has not yet passed upon the application for the enrollment of James Bohanan Dukes as a citizen by blood of the Choctaw Nation. When a decision is reached in this case you will be notified.

Respectfully,

Chairman.

Y-3-mh.

Muskogee, Indian Territory, May 9, 1905.

W. E. Harrison,
Attorney at Law,
Poteau, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of April 27, enclosing the affidavits of Eva Scales and David Willis to the death of James William Dohanon Bakes, which occurred June 11, 1904, and the same have been filed with our records as evidence of death of the above named citizen.

Respectfully,

Commissioner in Charge.

7-D-221

Muskogee, Indian Territory, July 7, 1905.

W. H. Harrison,
Attorney at Law,
Poteau, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of June 26, 1905, asking what disposition has been made of the citizenship case of James William Bohanan Dukes.

In reply to your letter you are advised that no action has yet been taken in the matter of the application for the enrollment of James Bohanan Dukes, son of Eva Dukes and James Bohanan, but when a decision is reached in this case you will be notified.

Respectfully,

Commissioner.

7-D-221

Muskogee, Indian Territory, September 29, 1905.

W. H. Harrison,
Attorney at Law,
Poteau, Indian Territory.

Dear Sir:

Replying to your letter of the 22nd instant, you are advised that no action has as yet been taken upon the application of James Buhanan Dukes for enrollment as a citizen by blood of the Choctaw Nation. I have this matter now under consideration and it is probable that disposition will be made thereof at an early date.

As to just when I will be able to pass upon the case it is impracticable to advise you, but when a decision is reached you will, in conformity with your previous request, be notified of the action taken.

Respectfully,

Commissioner.

7-D-221.

Muskogee, Indian Territory, November 3, 1905.

W. H. Harrison,
Attorney at Law,
Poteau, Indian Territory.

Dear Sir:

You are hereby notified that before any further action can be taken in the matter of the application for the enrollment of James Bohanan Dukes as a citizen by blood of the Choctaw Nation it will be necessary that James Bohanan, the reputed father of said child, appear at the office of the Commissioner to the Five Civilized Tribes at Muskogee, Indian Territory, and give testimony relative to its paternity.

Please give this matter your immediate attention.

Respectfully,

Commissioner.

7-D-221

Muskogee, Indian Territory, December 15, 1905.

W. H. Harrison,
Attorney at Law,
Potean, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of December 9, 1905, stating that James W. Bohana is dead and you cannot introduce his testimony in the matter of the enrollment of his child James William Bohana Dukes, but if there is any other testimony which will take the place of his you will furnish it.

In reply to your letter you are advised that it is necessary that evidence be introduced to establish the fact that James Bohanon Dukes is the son of James Bohana and was acknowledged by him as his child.

This testimony should be furnished as early as possible in order that disposition may be made of the enrollment of James Bohanan Dukes.

Respectfully,

Commissioner.

7-D-221

Muskogee, Indian Territory, January 27, 1906.

W. H. Harrison,

Poteau, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of January 20, 1906, inclosing the affidavit of David Willis which you offer in support of the application for the enrollment of James William Bohanan Dukes as a citizen by blood of the Choctaw Nation. The same has been filed with the record in this case and you will be notified of such action as is taken.

Respectfully,

Acting Commissionor.

7-D-221

Muskogee, Indian Territory, July 6, 1906.

W. H. Harrison,

Poteau, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of June 22, 1906, in which you ask when a decision will likely be reached in the matter of the application of James William Bohanan Dukes for enrollment as a citizen of the Choctaw Nation.

In reply you are advised that no action has yet been taken in the matter of the application of James Bohanan Dukes for enrollment as a citizen of the Choctaw Nation, but it is probable that a decision in this case will be reached in the near future and you will be notified of such action as is taken therein.

Respectfully,

Commissioner.

7-D-221

Muskogee, Indian Territory, November 2, 1906.

Alex Folsom,

Poteau, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of October 22, 1906, asking the status of the application for the enrollment of James Bohanon Dukes as a citizen by blood of the Choctaw Nation.

In reply to your letter you are advised that Eva Dukes should appear at this office as early as practicable for the purpose of testifying relative to the application for the enrollment of her child James Bohanon Dukes. It will also be necessary that some person appear who has knowledge of the parentage of this child and who can testify relative to the recognition of this child by James Bohanon the reputed father. Notice of the time of taking such testimony should first be served upon the attorneys for the Choctaw and Chickasaw Nations.

Respectfully,

Commissioner.

7-D-221

Muskogee, Indian Territory, November 15, 1906.

W. H. Harrison,

Poteau, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of November 10, 1906, asking if more testimony is needed in the matter of the enrollment of James William Bohana Dukes and if so if Eva Dukes, the mother of said child, will have to appear in person with her witnesses.

In reply to your letter you are advised that Eva Dukes should appear at this office as early as practicable for the purpose of testifying in the matter of the application for the enrollment of her child James Bohanan Dukes as a citizen by blood of the Choctaw Nation. It will also be necessary that some person appear who has knowledge of the parents of this child and who can testify relative to the recognition of the child by James Bohanan the reputed father. Notice of the time of taking such testimony must first be served upon the attorneys for the Choctaw and Chickasaw Nations.

Respectfully,

Commissioner.

7-D-221.

Muskogee, Indian Territory, January 16, 1907.

William H. Harrison,

Poteau, Indian Territory.

Dear Sir:-

In the matter of the application for the enrollment of James Bohanan Dukes as a citizen by blood of the Choctaw Nation, it will be necessary that further testimony be introduced for the purpose of establishing the parentage of said child.

Inasmuch as Eva Stopp, the mother of said child, testified that James Bohanan, the reputed father of said child, authorized a merchant at Poteau to allow her credit of Fifty dollars a year at his store for the maintenance of said child it would be advisable that his testimony be taken.

Such appearance should be made within ten days inasmuch as the Act of Congress approved April 26, 1906 (34 Stats., 137), provides that the enrollment of no person can be approved by the Secretary of the Interior subsequent to March 4, 1907.

Respectfully,

Commissioner.

7-D-221.

Muskogee, Indian Territory, January 16, 1907.

Eva Stepp,

Brazil, Indian Territory.

Dear Madam:-

In the matter of the application for the enrollment of your minor child, James Bohanan Dukes, as a citizen by blood of the Choctaw Nation, you are advised that it will be necessary that further testimony be introduced for the purpose of establishing the parentage of said child.

Inasmuch as you stated in your testimony taken before this office on December 7, 1906, that, James Bohanan, the reputed father of said child, authorized a merchant in Poteau to allow you credit of Fifty dollars a year at his store for the maintenance of said child, it would be advisable that he appear before this office and give testimony relative thereto.

Such appearance should be made within ten days inasmuch as under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), the Secretary of the Interior is without authority to approve the enrollment of any person subsequent to March 4, 1907.

Respectfully,

Commissioner.

7-D-221

Muskogee, Indian Territory, January 29, 1907.

W. H. Harrison,

Poteau, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of January 20, 1907, in which you say that testimony was given on the eighteenth day of this month in the citizenship case of James Bohanan Dukes.

You are advised that on January 21, 1907 a decision was rendered granting the application for the enrollment of James Bohanan Dukes as a citizen by blood of the Choctaw Nation.

Respectfully,

Commissioner.

7-5824

Muskogee, Indian Territory, February 5, 1907.

J. E. Whitehead,

Attorney at Law,

South McAlester, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of January 29, 1907, asking the status of the enrollment of James Buckhannon Dukes, son of Eva Dukes, Choctaw by blood.

In reply to your letter you are advised that the name of James Bohanan Duke has been placed upon a schedule of citizens by blood of the Choctaw Nation which has been forwarded to the Secretary of the Interior and you will be notified when his enrollment is approved by the Department.

Respectfully,

Commissioner.

Choc 5825

James H. Nichols

Trans from Choc # D-243

Oct. 31, 1904.

Commission to the Five Civilized Tribes,

Spiro, Indian Territory.

In the enrollment of James H. Nichols as intermarried Choctaw; being sworn and examined by Com'r McKennon he testifies:

Q When were you married to a Choctaw citizen? A In 1895

Q What was her name? A Nina Thompson.

Q Is she living yet? A Yes sir.

Q Are you living with her? A No sir

Q You separated from her? A Yes sir.

Q When? A Three years ago, sometime in August, in 1897.

Q Did she leave you or did you leave her? A We couldn't get along and we agreed to quit.

Q And she obtained a divorce from you? A Yes sir.

Q Where? A At Red Oak, in the Choctaw Nation.

Q Is she married again? A No sir.

Q You know where she is living now? A Close to where I am, in half a mile of me. She is living twelve miles from Spiro.

(He is notified to have her present,)
(either at this place or at Red Oak.)

Department of the Interior,

Commission to the Five Civilized Tribes

M. D. Green

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
ATOKA, INDIAN TERRITORY, DECEMBER 7, 1900.

Choctaw D 243.

Choctaw Nation

vs

James H. Nichols.

CONTENTION.

Mr. CORNISH: Our contention, as it appears from the card as we saw it that the separation occurred after the judgment of the Dawes Commission.

J. G. Ralls, attorney for applicant, offers certified copy of the petition for divorce for the purpose of showing the correct date of the alleged abandonment, showing that it was the 28th day of August, 1896, and also certified copies of affidavits that were used in testimony, and copy of the judgment.

Anna Bell, having been first duly sworn, on her oath states that as stenographer to the Commissionto the Five Civilized Tribes, she reported in full the proceedings had in the above entitled cause on the 7th day of December, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes in said cause on said date.

Anna Bell,

Subscribed and sworn to before me this 8th day of December, 1900.

Acting Chairman.

Choctaw Nation,

In Moshulatubbee District Court

November Term 1896.

To the Honorable Noel J. Nolan Judge.

Now comes your petitioner Nannie Nichols who is a citizen of the Choctaw and a resident of Moshulatubbee District who would show your honor that she was on the 30 day of December 1895 in accordance with the Laws of the Choctaw Nation married to J. N. Nichols who was before said marriage a citizen of the United States and that before two weeks elapsed after said marriage her said husband began to show bad faith. He was the father of a child by a woman who lived in the Cherokee Nation and after our said marriage he told me he intended to support said woman as long as she lived which he continued to do.

And further that on the 28th day of August 1896 her said husband abandoned her bed and board and removed to the Cherokee Nation where he now resides. Your petitioner would further state that his conduct since their said marriage has been such as to indicate that he simply

married your petitioner for mercenary motives and not in good faith but to acquire Citizenship in the Choctaw Nation with the benefits acquired by such Citizenship.

In view of the above facts your petitioner asks your honor grant her a Decree of divorce from the bonds of said marriage and she in duty bound will ever pray Etc.

Nannie Nichols

Subscribed and sworn to before me this 17th day of October 1896

John H. Robinson
Notary Public

my com. expires Dec 20 1899
(Seal)

Indian Territory
Central Dist.

On this 15th day of May 1899, personally appeared before me a Notary Public within and for the Central Dist of the Indian Territory Mandy Sawyer who after being sworn according to law deposeth and says:—

I am 45 years old, a citizen of the United States, my Post Office address is Brazil Ind. Ter. I am personally acquainted with Henry and Nannie Nichols. I lived with them from the time they were married until they separated which was about 9 months.

Mr Nichols seemed all the time to be a very strange man, was very jealous and was all the time trying to get Mrs Nichols to sell her property which she would not do. He then left about the 28th day of August 1896 and has never been back to live with her since.

He left without any cause.

Mrs Nichols was always very kind and good to him.

I could not see any thing to cause him to be jealous of Mrs Nichols.

I have known Mrs Nichols for about Two years living in the

house with her doing her work and I do know during my stay with her she was a true and devoted wife to Mr Nichols

Witness
John Latham

Mandy Nichols her X mark

Subscribed and sworn to before me this the 15th day of May 1897.

John W Robinson
Notary Public

(Seal)

Indian Territory }
Central Dist. }

On this 19th day of October 1896 personally appeared before me a Notary Public within and for the Central Dist of the Indian Territory E. T. Reeder who after being duly sworn according to law deposeth and says:—

I am a United States citizen, am 46 years of age, my Post Office address is Red Land I. T. I am personally acquainted with the Plaintiff Nannie Nichols and her husband Henry Nichols. All I know about their marriage relations is that I had a talk with Mr Nichols some time last August about the way they were getting along and he told me that he was not going to try to live with her that he was going to leave and go to Red Land to live and a short time afterward he left and went to Red Land I. T. in the Cherokee Nation and has never come back to live with her since. I am not related to either of them.

I live on Mrs Nichols place have been around a good deal and could not see any cause for his leaving her

E. T. Reeder

Subscribed and sworn to before me
on the 19th day of October 1896.

John N. Robinson
Notary Public

Seal

My commission expires
Dec. 20, 1899

Indian Territory }
Central Dist } ss

On this the 15th day of May 1897
personally appeared before me a Notary Public
within and for the Central Dist of the Indian
Territory,

W. E. Kelly who after being duly sworn
according to law deposeth and says:

I am thirty years of age, a citizen
of the United States, my Post Office address
is Tucker Ind. Ter. I am personally
acquainted with Henry and Nannie
Nichols they was married about the 9th
day of Feby 1896, I was at their house
very often. Mrs Nichols seemed to be
very jealous of Mrs Nichols and was
always telling her about her fellows &c
When he would go off from home
and come back and find out that some
one was there or had been there he would
accuse her of being too fast.

I have known Mrs Nichols for
about twenty years and have never
known or heard anything wrong about
her character. She is well respected
by the best people of her acquaintance
and all who know her.

Mrs Nichols never gave

I James Culberson
Clerk of the Circuit Court for the
1st Judicial District Choctaw Nation
and Custodian of the Records of said
Court do hereby certify that attached
and foregoing papers are true and
perfect Copies of the original petition
for Divorce, filed in my Office by Mrs
Mamie Nichols against her husband
J. H. Nichols, and the evidence filed in
the said case also an exact Copy of
the sheriff's summons to J. H. Nichols
to appear in Court and return of same.

In Testimony whereof
Witness my hand and Seal this 16th
day of October

James Culberson
Circuit Clerk
1st Dist
Choctaw Nation

him any cause to be jealous.
She was always kind and good
to him. All he talked about was
to sell her property, which she would
not consent to do, and after he found
out he could not get her to sell it
he left her about the 28th day of August
and has never been back to live with her.

his
W. E. X Reilly
mark

witness
John Durham

Subscribed and sworn to before
me this the 15th day of May 1897

John N. Robinson
Notary Public

(Seal)

I James Culberson, Clerk
of the Circuit Court of the 1st Judicial
District, Choctaw Nation and Custodian
of the Records of said Court, do hereby Certify
fy that foregoing and attached papers
are a full and perfect transcript of a decree
of Divorce granted to Mrs Nannie
Nichols from her husband J. H. Nichols
on the 7th day of January 1899, as they
they appear upon the Minute Book
of said Court at Page 775.

In Testimony Whereof
Witness my hand and seal this 16th
day of October 1899.

James Culberson
Circuit Clerk
1st Dist
C. N.

Friday Morning Jan 7th 1898.

Court met pursuant to adjournment at 9 o'clock Friday morning Jan 7th '98, Officers all present same as yesterday, jury roll called all present except Joe Jefferson who being excused because of illness no fine imposed.

Minutes of the 6th instant read and approved in open Court.

Court is now ready for the dispatch of business and the following proceedings were had, to wit:-

Case No 261 Nannie Nichols
vs Divorce
J. H Nichols

Comes now the Plaintiff by her Attorney C. B Coleman and papers introduced as evidence which verify all allegations made in petition of plaintiff. After hearing the case argued at length by Attorneys for both sides and carefully weighing evidence the Court is of the opinion that the Plaintiff is the aggrieved party.

It is therefore ordered, adjudged and decreed that the bonds of Matrimony heretofore

existing between Nannie Nichols Plaintiff and J. N. Nichols, defendant, be and the same are hereby declared null and void

A motion was made and granted to restore maiden name of Plaintiff.

Court adjourned till Monday morning at 9 o'clock, Monday the 10th 1898

Approved

Attest

W. J. Nelson

C. C. McClain

Circuit Judge

Circuit Clerk

Choctaw
P. 243

7024

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
DEC 7 1900

Choctaw D-243.

Muskogee, Indian Territory, February 28, 1902.

James H. Nichols,

Tucker, Indian Territory.

You are hereby notified that your application for enrollment as a citizen of the Choctaw Nation will be taken up by the Commission to the Five Civilized Tribes for final consideration at its office in Muskogee, Indian Territory, on the 7th day of April, 1902.

On said date you may if you desire, appear before the Commission in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting said application.

You are further notified that the representatives of the Choctaw Nation will also at the same time be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

The Commission to the Five Civilized Tribes.

T. B. Needles,

Register. Commissioner in Charge.

Department of the Interior.

Commission to the Five Civilized Tribes.

In the matter of the application of James H. Nichols for the enrollment of himself as an intermarried citizen of the Choctaw Nation. ---D 243---

On the 28th day of February, 1902, the applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were notified by registered mail, that the application of James H. Nichols for enrollment as a citizen of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 7th day of April, 1902, for final consideration.

Now, on this 7th day of April, 1902, this cause coming on to be heard pursuant to said notice, the following appearances were made:

A P P E A R A N C E S :

The applicant, James N.Nichols appears by his attorney, J. G. Ralls, : Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations.

STATEMENT BY COUNSEL:

MR RALLS: We will submit the case upon the record.

MR CORNISH: We have nothing to offer.

THE COMMISSION: This case will be considered by the Commission upon the evidence and record as now made up.

Harry C Risteen, being first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 7th day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Harry C Risteen

Subscribed and sworn to before me this 9th day of April, 1902.

Notary Public.

Choctaw D. #243.
Intermarried.

Department of the Interior
Commission to the Five Civilized Tribes
South McAlester, Indian Territory.
December 22, 1902.

-:-

In the matter of the application of James H. Nichols for enrollment as an intermarried citizen of the Choctaw Nation.

James H. Nichols being first duly sworn testified as follows:
J. G. Rolif attorney for the applicant.

Examination by the Commission:

Q What is your name? A James H. Nichols.
Q How old are you? A Fifty years old.
Q What is your post office address? A Velma, Ind. Ter.
Q Is that in the Choctaw Nation? A No, sir, Chickasaw.
Q How long have you lived in the Chickasaw Nation? A A year.
Q Where did you live prior to that time? A Choctaw Nation.
Q How long were you a resident of the Choctaw Nation? A 6 or 7 years, about seven years I guess.
Q Do you claim intermarried rights in the Choctaw Nation? A Yes, sir.
Q What is the name of your Choctaw wife through whom you claim these rights? A Nannie Thompson.
Q Was she a recognized and enrolled citizen of the Choctaw Nation? A Yes, sir.
Q Were her rights as such ever disputed? A I think they were at one time.
Q When were you married to Nannie Thompson? A 1899.
Q Where was this marriage ceremony performed? A At her place in the Choctaw Nation.
Q At that time were boty you and your wife bona fide residents of the Choctaw Nation? A Yes, sir.
Q Were you married in accordance with the tribal laws? A Yes, s sir.
Q Did you obtain a tribal license? A Yes, sir.
Q From whom did you get that license? A Clerk of Schullyville.
Q How much did you pay for that license? A $100.
Q Who performed the marriage ceremony? A Parson Howell.
Q Were you ever married before your marriage to Nannie Thompson? A Yes, sir.
Q How many times? A Twice.
Q What were the names of your former wives? A Miller I married sisters.
Q What were their given names? ALinnie and Flora.
Q Both white women? A Yes, sir.
Q Were both dead at the time you married this Choctaw woman? A Yes, sir.
Q Was Nannie Thompson ever married before her marriage to you? A Yes, sir.
Q How many times? A Two times, I think.

Choctaw D. #243.
Intermarried.

Q Do you know the names of her former husbands? A Thompson and Wamock.
Q Were her former husbands dead at the time of your marriage? A One of them was.
Q Had she been divorced from the other? A Yes, sir.
Q Where was this divorce granted? A In the Choctaw Nation Choctaw courts.
Q Have you got any evidence of that divorce of your wife from her former husband? A No, sir, I haven't.
Q After your marriage to Nannie Thompson how long did you live with her as husband wife? A Six months.
Q At the end of that time did you separate? A Yes, sir.
Q Were you divorced? A She claimed she got a divorce, From the Choctaw coutrs?
Q What was the cause of this divorce? A Couldn't get along with her.
Q Did she leave you or did you leave her? A I was at her place and she told me if things didn't suit I could leave.
Q Was there any direct cause for this separation? A No, sir.
Q Did you ever try to get her to live with you after that? A No, sir.
Q She got a divorce from you? A Yes, sir.
Q Do you know the grounds upon which she obtained this divorce? A No, sir.
Q Since your separation from this woman have you remarried? A No, sir.
Q Are you at present an actual and bona fide resident of the Choctaw Nation? A Yes, sir.
Q Were you an applicant before the Commission in 1896 for admission to citizenship in the Choctaw Nation? A Yes, sir.
Q Did you then apply as an intermarried citizen? A Yes, sir.
Q What action was taken by the Commission upon your application by the Commission? A I was put on the tribal rolls.
Q Was your case ever appealed to the United States Court? A No, sir.

Examination by attorney:

Q Did you and your wife separate before your application to the Commission in 1896? A Yes, sir.
Q Have you lived together since that separation? A No, sir.
Q Then you were admitted by the Dawes Commission in 1896 after you and your wife had separated? A Yes, sir.

By the Commission:

Q Had you been divorced at the time you made application? A No, sir.
Q That decree of divorce was granted after your admission? A Yes, sir.

By attorney:

Q Had the divorce proceedings been comenced by her before you were admitted? A Yes, sir.

Chester D. Hall.
Intermarried.

Q. Did you file any divorce proceedings with the Chectaw Court?
A. Yes, sir.

Chas. Offendaffer, being first duly sworn states that he stenographer in the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Chas. Offendaffer

Subscribed and sworn to before me this 7th day of January 1903.

Charles H. Lawton
Notary Public.

County of Skullyville,

Choctaw Nation;

To all whom it may concern,

Know Ye.

That whereas, J. H. Nichols, a citizen of the United States, has this day petitioned according to the form of the Statutes in such cases made and provided, asking that a marriage lisence be granted to him to marry a citizen of the Choctaw Nation, and it appearing from said petition that the party mentioned therein has complied with all the requirements of said law;

Now therefore, I the undersigned County Clerk of Skull-yville County, By virtue of the authority in me vested by the laws of the Choctaw Nation; Do this day hereby grant unto the above mentioned J. H. Nichols, a lisence to marry a citizen of the Choctaw Nation;

In testimony whereof, I have hereunto set my hand, and caused the seal of Skullyville County to be affixed,

This the 7. day of January A. D. 1896;

J. D. Ward
Co Clerk

Marriage Certificate

This is to Certify that I James K Hamell
of the Town of Tokosha Skulleyville
Co and Ter A Minister of the Gospel
on the 9th Day of January A D 1896
Did Solemnize the Rights of Matrimony
between J W. Nickles of Skulleyville
Co O. T. Age 44
and Mrs Nannie Thompson of Skulleyville
Co O. T. Age 42
Said Date above Named
My Credentials are Recorded in the
Second Judicial Division in the
Ind Ter Book A page 113

James K Hamell
A Minister of the Gospel

Marriage License
&
Marriage Certificate

Recorded in the records
of the Circuit Court of
the First Judicial District
Choctaw Nation,
In the Book of Records
on Page - 18 -
This the 25th day of
January 1896

Wallace Bond
Circuit Clk.
1st Jud. Dist
C.N.

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of James H. Nichols as a citizen by intermarriage of the Choctaw Nation , Choctaw Field No. D-243.

- - - - - - -

We hereby request, on behalf of the Choctaw and Chickasaw Nations, that final decision in this case be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of B. F. Thompson vs. Choctaw and Chickasaw Nations, No. 38 on the South McAlester Docket, in which the said court will decide the question of the validity of that portion of the intermarriage laws of the Choctaw Nation providing for the forfeiture of citizenship of white persons who separate from their Indian spouses, which question is involved in the case to which this communication refers.

This request is filed under authority granted by the Honorable Secretary of the Interior in his communication to the Commission to the Five Civilized Tribes upon the subject, dated November 18, 1903.

Attorneys for the Choctaw & Chickasaw Nations.

January 23, 1904.

RBN
ABD

7-D-243.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of James H. Nichols as a citizen by intermarriage of the Choctaw Nation.

--:--

D E C I S I O N.

It appears from the record herein that the applicant, James H. Nichols claims his right to enrollment as an intermarried citizen through his marriage on January 9, 1896, to Nannie Nichols (formerly Thompson) a recognized and enrolled citizen by blood of the Choctaw Nation, whose name appears as Nannie Crowley, number 7245 upon the list prepared by this Commission under the Act of Congress approved July 1, 1902 (32 Stat., 641), of persons entitled to enrollment as citizens by blood of the Choctaw Nation, and approved by the Secretary of the Interior, January 17, 1903; that at the time of said marriage both persons above mentioned were residents in good faith of the Choctaw Nation, and lived together as husband and wife continuously for about six months when they separated, and the said Nannie Nichols thereafter obtained a divorce from the applicant who has not since remarried. That the applicant had been a resident in good faith of the Choctaw Nation from the date of his said marriage to said Nannie Nichols up to and including September 25, 1902.

Upon an examination of the tribal rolls in the possession of the Commission the applicant is identified upon the 1896 Choctaw Census Roll, page 396, number 14897 as Henry Nichols, enrolled thereon as a citizen by intermarriage of the Choctaw Nation.

It further appears from the records in the possession of the Commission that on September 8, 1896, in the case entitled "J. H. Nichols vs. Choctaw Nation", 1896 Choctaw Citizenship Docket, case No. 1145, application was made to the Commission under the provisions of the Act of Congress approved June 10, 1896 (29 Stat., 321) for the admission of the applicant herein to citizenship in the Choctaw Nation by reason of his said marriage to Nannie Nichols; that the said James H. Nichols was on December 7, 1896, admitted by the Commission as a citizen by intermarriage of the Choctaw Nation from which decision no appeal was taken.

It is, therefore, the opinion of this Commission that James H. Nichols should be enrolled as a citizen by intermarriage of the Choctaw Nation, in accordance with the provisions of the Acts of Congress approved June 28, 1898 (30 Stat., 495) and July 1, 1902 (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

C. R. Breckinridge

Commissioner.

Muskogee, Indian Territory,

OCT 15 1904

Choctaw D-243

Muskogee, Indian Territory, October 15, 1904.

COPY.

James H. Nichols,

Tucker, Indian Territory.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered October 15, 1904, granting your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days within which to file protest against the action of the Commission in enrolling you as a citizen of the Choctaw Nation. If, at the expiration of said time, no protest has been filed, your name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Tams Bixby.

Chairman.

Registered.
Enc.7-D243

Choctaw D-243.

Muskogee, Indian Territory, October 15, 1904.

J. G. Wells,
Attorney-at-Law,
Atoka, Indian Territory.

COPY.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on October 15, 1904, rendered its decision granting the application for the enrollment of James H. Nichols as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If, at the expiration of said time, no protest has been filed, his name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Tams Bixby.

Registered. Chairman.

Choctaw D-243

Muskogee, Indian Territory, October 15, 1904.

COPY.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission, rendered October 15, 1904, granting the application for the enrollment of James H. Nichols as a citizen by intermarriage of the Choctaw Nation.

You are hereby notified that you will be allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If, at the expiration of said time, no protest has been filed, his name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Tams Bixby.

Chairman.

Registered.
Enc.7-D243.

For registry slip see 7-D-255

Muscogee, Indian Territory,

August 18th, 1900.

James K. Nichols,

Tucker, Indian Territory,

Dear Sir:

You are hereby notified that the Choctaw Natio , through its attorneys, Messrs McKennon, Mansfield, McMurray, & Cornish, has filed with this Commission a notice of protest to your enrollment as a citizen of the Choctaw Nation.

The Commission, commencing December 3rd, 1900, will hold a session a Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Acting Chairman.

7-D-243.

Muskogee, Indian Territory, September 7, 1900

Mr. J. G. Ralls,

Attorney at Law,

Atoka, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the 31st of August in which you desire to be informed if the Commission at its session in Atoka, beginning December 3rd, will hear the applications of persons for enrollment, holding judgments of the United States Court and of this Commission.

You also desire to be further informed if the attorneys of the Choctaw Nation have filed protest as to the enrollment of Sallie A. Howell, W. D. Carpenterand J. H. Nichols.

In regard to the hearing of original applications for enrollment, you are informed that the Commission at its session in Atoka, will only hear testimony in those cases in which protest has been filed by the Choctaw and Chickasaw Nations and will not receive or consider any new business at that session.

As to whether protests have been filed in the three cases which you mention, you are informed that such a protest has been filed in the case of James H. Nichols, 48 years of age, who claims as an intermarried citizen of the Choctaw Nation and also in the case of Walter D. Carpenter, 40 years of age, of Hurd, Indian territory who claims as a intermarried citizen of the Choctaw Nation.

The records of this Commission show that Sallie A. Howell

J. D. B. [redacted]

was admitted to citizenship in the Choctaw nation by this Commission in 1896 and was duly listed for enrollment as a citizen of the Choctaw Nation, September 30th, 1898 .

Yours truly,

Acting Chairman.

7-D-4
7-D-243

Muskogee, Ind. Ter, Feb'y. 1, 1901.

J. G. Ralls Esq.,

Atoka, Ind. Ter.,

Dear Sir:-

The Commission is in receipt of your letter of January 26th 1901, requesting copy of the evidence in the case of the Choctaw Nation vs. James H. Nichols, No. D-243, and certain dates relative to the marriage license and divorce, together with the date of filing complaint.

Replying to your request there is enclosed you herewith a copy of the testimony and the exhibits on file in this office in the matter of the application for enrollment of James H. Nichols. Kindly sign the enclosed receipt and return to this office.

Respectfully,

Acting Chairman.

7-D-243

COMMISSIONERS:
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Received, Atoka, Ind. Ter. Feb'y. 3rd 1901,
of the Commission to the Five Civilized Tribes, one copy of the evidence in Choctaw Case No. D- 243,

Choctaw Nation

vs

James H. Nichols,

and information relative to certain dates as requested by my letter of January 26th, 1901.

J. S. Ralls
Attorney for Defendant

7- D 243

Muskogee, Indian Territory, October 21, 1903.

J. G. Ralls,

Attorney at Law,

Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of October 14, in which you ask what action, if any, has been taken in the matter of the application of James H. Nichols for enrollment as an intermarried citizen of the Choctaw Nation.

In reply to your inquiry, you are informed that the Commission has not yet passed upon the application of James H. Nichols for enrollment as an intermarried citizen of the Choctaw Nation and it is impracticable, at this time, to say when same will be reached for consideration.

Respectfully,

Commissioner in Charge.

Choctaw D 843

Muskogee, Indian Territory, February 11, 1904.

James H. Nichols,

Tucker, Indian Territory,

Dear Sir:

You are hereby advised that under direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Choctaw and Chickasaw Nations dated January 23, 1904, no further action will be taken relative to your enrollment as a citizen by intermarriage of the Choctaw Nation until the Commission is further instructed by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

Choctaw D 243

Muskogee, Indian Territory, February 19, 1904.

J. G. Falls,

Attorney at Law,

Atoka, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of February 9, asking if further evidence is necessary in the case of J. H. Nichols, an intermarried Choctaw, and stating that you believe he appeared before the Commission and testified relative to his intermarried status at South McAlester, in December 1902.

In reply to your letter you are advised that it appears from our records that James H. Nichols testified relative to his intermarried status on September 25, 1902, at South McAlester, Indian Territory, December 22, 1902. The Commission has not yet passed upon his application for enrollment, however, and on February 6, 1904, there was filed with the Commission the protest of the attorneys for the Choctaw and Chickasaw Nations, dated January 23, 1904, in which they request that no further action be taken in this case until the decision of the Choctaw and Chickasaw Citizenship Court in the case of B. F. Thompson versus the Choctaw and Chickasaw Nations.

Under the instructions of the Secretary of the Interior of November 18, 1903, the Commission is estopped from taking any fur-

J O X S

ther action in this matter until otherwise directed by the Department.

Respectfully,

Commissioner in Charge.

Choc 5826

John L. Herron

Transferred from Choc #D-506

Oct 31, 1904

In the matter of the application for the enrollment of John L. Herron as a citizen by intermarriage of the Choctaw Nation.

7-D-506.

Commission to the Five Civilized Tribes,

South McAlester, Indian Ter.

In the enrollment of John L. Heron as an intermarried Choctaw; being sworn and examined by Com'r McKennon he states:

Q What is your name? A John L. Heron.

Q How old are you? A Forty-six.

Q You claim to have intermarried with a Choctaw citizen?

A Yes sir.

Q When? A In 1876 or 1877.

Q What was her name? A Susan LeFlore.

Q Did you obtain a license at that time? A Yes sir.

Q Who issued it? A Peter Noel, a County Judge.

Q You were married under that license? A Yes sir, the Judge issued the license; and also did the ceremony.

Q How long did you live with your wife? A I liked two months living with her eleven years.

Q Is she dead? A No sir.

Q You separated from her? A Yes sir.

Q Have you married again? A No sir.

Q When did you separate from her? A In 1887.

Q Then you haven't been living with her for about twelve years?

A No sir.

Q Were you divorced from her? A Yes sir.

Q You got the divorce, or she? (Witness doesn't know; Choc. Com'r S.E.Lewis, states that he thinks the witness got the divorce)

Hiram King being sworn and examined states:

Q What is your name? A Hiram King.

Q How old are you? A Forty-six.

Q Wha t do you know about this man's marriage? A All I know, they was neighbors of mine at that time, and they came by my house,

John L. Heron,- Hiram King witness - #2)

he first brought around a petition for me to sign, and I signed the petition for his license, and in a few days they passed my house, going to get married.

Q You don't know whether he obtained a license then or not do you? A No sir.

(Com'r McKennon advises the applicant that this matter will be suspended for further proof.)

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify upon my official oath as stenographer to the above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

M. D. Lyman

Department of the Interior,
Commission to the Five Civilized Tribes.
I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.
M D McKennon

Commission to the Five Civilized Tribes,

South Canadian, Indian Terr.

In the enrollment of John L. Heron as an intermarried Choctaw; being sworn and examined by Com'r McKennon he testifies as follows:

Q What is your name? A John L. Heron.

Q How old are you? A Forty-seven.

Examined by Attorney:

Q Did you see Susan Folsom, your former wife? A Yes sir.

Q What did she say about coming to testify in your enrollment?

A She said she wouldn't come unless she had to come; said there was no way to force her to come.

A. C. Bullard, being sworn and examined, states:

Q What is your name? A A. C. Bullard.

Q How old are you? A Forty-four.

Examined by Attorney:

Q You are acquainted with Susan Folsom? A Yes sir.

Q You married a daughter of John Heron here? A Yes sir.

Q Did you hear her make any statement in regard to the license between her and John here? A Sometime ago she and I were talking about them going to enroll with the Choctaws, and she said she didn't think Mr. Heron would get on the roll, his license was burned up when our house was burned up several years ago. I think I had been in the country about a year when their house got burned up. I have been here fourteen years.

Q When was it you had that conversation with her? A Little over a year ago.

Com'r McKennon: Are you and her friendly? A Not to-day; we were at that time.

Q Are you a white man? A Yes sir.

Q Attorney) She has married since her separation? A Yessir.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Choctaw D-506.

Muskogee, Indian Territory, March 4, 1902.

John L. Herron,

Sans Bois, Indian Territory.

You are hereby notified that the application of yourself for enrollment as a citizen of the Choctaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 12th day of April, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

Register.

Commissioner in Charge.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, April 12, 1902.

In the matter of the application of John L. Herron for enrollment as a citizen by intermarriage of the Choctaw Nation.	D-506.

On the 4th day of March, 1902, the applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were also notified by registered mail that the application of John L. Herron for enrollment as a citizen of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 12th day of April, 1902, for final consideration.

Now on this 12th day of April, 1902, this cause coming on to be heard, pursuant to said notice, the Choctaw Nation failed to appear, and the applicant being called, failed to appear either in person or by attorney.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on April 12, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of April, 1902.

Hal Belford

Subscribed and sworn to before me this 12 day of April, 1902.

Marquitte Wood

Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
South McAlester, Indian Territory, December 23, 1902.

Choctaw D 506.
Intermarried.

In the matter of the application of John L. Herron for enrollment as an intermarried citizen of the Choctaw Nation.

---Applicant represented by W. N. Redwine, attorney at Law, South McAlester, I.T.---

John L. Herron, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

Q What is your name? A John L. Herron.
Q How old are you? A I can't answer that exactly.
Q About how old? A Forty nine or fifty.
Q What is your post office address? A South McAlester, Indian Territory, at the present time.
Q How long have you been a resident of the Choctaw Nation? A Somewheres between twenty seven and thirty years.
Q Have you lived here continuously for the past twenty seven years? A I have made this my home for the past twenty seven years I guess.
Q Never made your home anywhere else except in the Nation? A No sir
Q Do you claim intermarried rights in the Choctaw Nation? A Yes sir
Q What is the name of your Choctaw wife through whom you claim these rights? A Susan LeFlore.
Q When were you married to Susan LeFlore? A As near as I can remember about 1876.
Q Where was the marriage ceremony performed? A In San Bois county, on San Bois Creek, close to San Bois town.
Q At that time were both you and your wife bona fide residents of the Choctaw Nation? A Yes sir.
Q Were you married in accordance with the Choctaw tribal law? A Yes sir.
Q Did you obtain a tribal license? A Yes sir.
Q From whom did you get that license? A Man by name of Peter Noil judge of San Bois county.
Q How much did you pay for the license? A Twenty five dollars.
Q Who performed the marriage ceremony? A Peter Noel.
Q What became of that license? A It got burnt up in the house.
Q How long ago was that? A Fifteen years ago I expect.
Q Did you ever attempt to get a copy of that license or certificate? A Yes sir, I have tried to get them, but I never could. I went to her Uncle, Betts, when we couldn't get the certificate and he made an affidavit and sworn to it, and I gave it to a lawyer to put before the Dawes Commission four or five years ago, and the affidavit was lost. Betts is now dead.
Q Who was present at this marriage? A There was several, but I disremember who they were.
Q Was this woman a recognized and enrolled citizen of the Choctaw Nation? A Yes sir, yes sir.
Q Were her rights as such ever disputed? A No sir.
Q Were you ever married before your marriage to her? A No sir.
Q Was she ever marriedbefore her marriage to you? A Yes sir.
Q How many times? A Once is all I know of.
Q What was the name of her former husband? A I forget his name/ I couldn't tell you now.

Q Was her former husband dead at the time of your marriage to her?
A I suppose he was.
Q Do you know whether he was or not? A No sir, I do not.
Q Did you never find out whether they had been separated or whether he was dead? A They were separated, but it was supposed that he was dead.
Q Had they been divorced? A I suppose so, the woman said so.
Q Do you know where she obtained the divorce? A No sir.
Q After your marriage to her how long did you live together continuously as husband and wife? A Right about eleven years.
Q What happened at the end of that time? A We just got to disagreeing and finally separated.
Q Were you divorced? A Yes sir.
Q Did she leave you or did you leave her? A She left me.
Q Who obtained the divorce? A I did and paid for it.
Q Where did you get the divorce? A At Tuskahoma.
Q Did you get the divorce in the tribal courts? A Yes sir.
Q What were the grounds set forth in the petition asking for the divorce? A Adultery.
Q Was that the reason for your separation? A Yes sir.
Q After this divorce from your first wife did you remarry? A No sir
Q You have never married but the one woman? A No sir, never married but the one woman.
Q Are you at present an actual and bona fide resident of the Choctaw Nation? A Yes sir.

Examination by W. M. Redmine, Attorney:

Q Who do you say you got your license from? A Peter Noel.
Q County clerk or judge? A County judge of San Bois county.
Q How many signers did you get for your license? A Ten or twelve or somewhere about that.
Q Under that license you were married? A Yes sir.
Q Who married you? A Peter Noel.
Q You were married according to the laws and customs of the Choctaw Nation? A Yes sir.
Q What became of the license? A They got destroyed; burned in a house.
Q Did you ever try to get a copy from the records of the county court? A Yes sir, but I was informed that the records of the licenses was burnt in the court house at San Bois.
Q Was that the county you got your license in? A Yes sir.
Q Thereafter you say the records of that county were burned, and the license record was also birned with the court house? A Yes sir.
Q Do you know of any living witnesses by whom you could prove this marriage? A No sir.
Q You have made search for witnesses and could not find them? A Yes sir.
Q Have you always been recognized as a citizen of the Choctaw Nation since your marriage? A Yes sir.
Q Have you voted and participated in their elections? A Yes sir
Q Have your rights ever been disputed by the Choctaw tribal authorities? A No sir.
Q You are holding land? A No sir, not at present; I was until a week ago.

Thomas J. Walls, called as a witness, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

Q What is your name? A Thomas J. Walls.

Q How old are you? A Sixty years old.
Q What is your post office address? A Enterprise, Indian Territory
Q How long have you been a resident of the Choctaw Nation? A Since I have been in the world.
Q You have lived here all your life? A Yes sir.
Q Are you a citizen by blood of the Choctaw Nation? A Yes sir.
Q Are you acquainted with this applicant, John L. Herron? A Yes sir
Q How long have you known him? A May be fifteen or twenty years it has been a long time.
Q Did you know his wife? A Yes sir.
Q What was her name? A Susan, I don't know what her name was before she married.
Q Was she a citizen by blood of the Choctaw Nation? A Yes sir, mighty near a full blooded Choctaw.
Q Do you know anything regarding their marriage? A No sir.
Q You were not present at that marriage? A No sir.
Q And don't know anything about it? A No sir, only they have lived together as man and wife for several years, they did.

Examination by W. N. Redwine, attorney:

Q Do you knowanything about the court house and county records being burned? A I knew the court house was burnt down, but I don't know anything about the records.
Q You know that the court house was burnt where the records were kept but you don't know whether the records were burnt? A Yes sir.
Q When was that? A May be twelve years ago.
Q After Mr Herron was married to his wife? A Yes sir, I reckon ten or twelve years ago.
Q Do you know whether he has always been recognized as a citizen of the Choctaw Nation? A Yes sir, he has.
Q His right has never been disputed that you know of? A No sir.
(Witness Excused)

William Martin, called as a witness, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

Q What is your name? A William Martin.
Q How old are you? A 63 years old next Christmas.
Q What is your post office address? A Stigler, Indian Territory.
Q Is that in the Choctaw Nation? A Yes sir.
Q How long have you lived in the Choctaw Nation? A I was born and raised in the Choctaw Nation.
Q Are you a citizen by blood of the Choctaw Nation? A Yes sir.
Q Are you acquainted with this applicant, John L. Herron? A Yes sir
Q How long have you known him? A I have knowed him a long time; I knowed him when he was a boy.
Q Did you know his wife? A Yes sir, I knowed her.
Q What was her name? A Susan.
Q What was her maiden name? A I don't know sir.
Q Was she a citizen by blood of the Choctaw Nation? A Yes sir.
Q Do you know anything regarding their marriage? A Yes sir.
Q What do you know about that? A He made the petition for license to marry; I signed the petition.
Q Were you present at their wedding? A No sir.

Q You 1st signed his petition? A Yes sir.
Q Do you know whether he obtained a license? A Yes, I think he married according to the Choctaw law.
Q Did you ever see that license? A No sir, I never saw the license, but I know he married according to Choctaw law.
Q How do you know he got the license? A From Judge Noel, he is the one that issued the license and married him.
Q He got the petition before he got the license? A Yes sir.
Q Do you actually know that he got that license or do you think he did? A No sir, I don't know that he got it.
Q You never saw the license? A No sir, I never saw it, but I know he married that woman.
Q Were you present at that wedding? A No sir, but I know that they lived together a long time.
Q They lived together as husband and wife? A Yes sir.
Q But yo u can't state of your own knowledge that he was married under a Choctaw license? A No sir.

By W. N. Redwine, attorney:

Q Have the records of San Bois County been burnt? A Yes sir.
Q Several years ago? A Yes sir.

---oOo---

Harry C Risteen, being first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 23rd day of December, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Harry C Risteen

Subscribed and sworn to before me this 19 day of January 1903.

Charles Kelsey

Notary Public.

EW

United State of America,
Indian Territory, Central,
District.

Before me a Notary Public within and
for District of the Indian Territory, personally
appeared before me Villa M. Bullard, who after being duly sworn
deposes and says; - that she is a citizen of the Choctaw Nation.
and a daughter of J. L. Herron and his said wife, ~~[illegible]~~
who is now dead. Affiant states that she saw the marriage licens
which were issued by Peter Noel County and Probate Judge of ~~[illegible]~~
County to said J. L. Herron and Susan Herron, now deceased. Said
licens were issued in accordance to the laws and customs of the
Choctaw Nation. After I saw the licens they were destroyed by fire.

Sworn to and subscribed before
me, Dec. 30 1902.

J. M. White
Notary Public

Villa M. Bullard

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of John L. Herron as a citizen by intermarriage of the Choctaw Nation, Choctaw Field No. D-506.

- - - - - - -

We hereby request, on behalf of the Choctaw and Chickasaw Nations, that final decision in this case be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of B. F. Thompson vs. Choctaw and Chickasaw Nations, No. 38 on the South McAlester Docket, in which the said court will decide the question of the validity of that portion of the intermarriage laws of the Choctaw Nation providing for the forfeiture of citizenship of white persons who separate from their Indian spouses, which question is involved in the case to which this communication refers.

This request is filed under authority granted by the Honorable Secretary of the Interior in his communication to the Commission to the Five Civilized Tribes upon the subject, dated November 18, 1903.

Attorneys for the Choctaw & Chickasaw Nations.

January 23, 1904.

N.T.

7-D-506.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of John L. Herron as a citizen by intermarriage of the Choctaw Nation.

--: D E C I S I O N :--

It appears from the record herein that in the year 1876 or 1877, the applicant, John L. Herron, was married in accordance with the laws, customs and usages of the Choctaw Nation to Susan Herron (nee LeFlore), a recognized citizen by blood of the Choctaw Nation, the name of whose daughter, Villey M. Bullard by said marriage, appears as number 8689 upon the lists prepared by this Commission under the act of Congress approved July 1, 1902 (32 Stat., 641), of persons entitled to enrollment as citizens by blood of the Choctaw Nation, and approved by the Secretary of the Interior, January 17, 1903; that at the time of said marriage both persons first above mentioned were residents in good faith of the Choctaw Nation; that they lived together continuously as husband and wife from the date of said marriage for about eleven years when they separated and were subsequently divorced; and that the applicant had been a resident of the Choctaw nation, from the date of his said marriage with the said Susan Herron, and had not remarried, up to and including September 25, 1902.

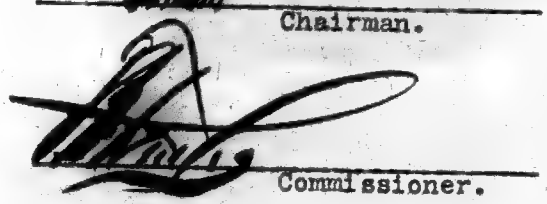
It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of Thornton D. Pearce (I.T.D. 4060-1904), relative to the question of forfeiture, John L. Herron should be enrolled as a citizen by intermarriage of the Choctaw Nation, in accordance with the provisions of the

acts of Congress approved June 28, 1898 (30 Stat., 495) and July 1, 1902 (32 Stat., 641), and it is so ordered.

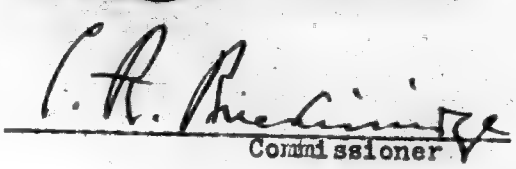
COMMISSION TO THE FIVE CIVILIZED TRIBES.



Chairman.



Commissioner.



Commissioner.

Muskogee, Indian Territory.

OCT 15 1904

COPY.

Choctaw D-506

Muskogee, Indian Territory, October 15, 1904.

John L. Herron,

Quinton, Indian Territory.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered October 15, 1904, granting your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling you as a citizen of the Choctaw Nation. If, at the expiration of said time, no protest has been filed, your name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Tams Bixby.

Chairman.

Registered.
Enc. 7-D506.

Choctaw D-506

Muskogee, Indian Territory, October 15, 1904.

COPY.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission, rendered October 15, 1904, granting the application for the enrollment of John L. Herron as a citizen by intermarriage of the Choctaw Nation.

You are hereby notified that you will be allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If, at the expiration of said time, no protest has been filed, his name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Tams Bixby.

Chairman.

Registered.
Enc. 7-D-506.

For registry slip see 7-D-255

COPY.

Choctaw D-506.

Muskogee, Indian Territory, October 15, 1904.

Rodwine & Jones,

Attorneys-at-Law,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that the Commission to the Five Civilized Tribes, on October 15, 1904, rendered its decision granting the application for the enrollment of John L. Herron as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If, at the expiration of said time, no protest has been filed, his name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Tams Bixby.

Registered.

Chairman.

Muscogee, Indian Territory,
August 18th, 1900.

John L. Herron,
Brooken, Indian Territory,

Dear Sir:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs McKennon, Mansfield, McMurray, & Cornish, has filed with this Commission a notice of protest to your enrollment as a citizen of the Choctaw Nation.

The Commission, commencing December 3rd, 1900, will hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Acting Chairman.

7-D-506.

Muskogee, Indian Territory, May 28, 1901.

Winningham & Redwine,

Attorneys at Law,

South McAlester, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 21st instant in the matter of the application of John L. Heren of Celestine, Indian Territory for enrollment as a citizen by intermarriage of the Choctaw Nation.

You request that you be informed as to the present status of this case; also that you be supplied with an abstract of the testimony therein and whether or not the case has been passed upon by the Commission or if it is still open for further testimony and if so whether such testimony will be admissible in the form of affidavits and depositions or will it be necessary for witnesses to appear in person before the Commission.

Replying to your letter you are informed that the records of the Commission show that on September 15, 1899, John L . Heren of Brooken, Indian Territory, was listed for enrollment as a doubtful claimant to intermarried citizenship in the Choctaw Nation.

There is enclosed you herewith a copy of all the testimony taken before the Commission in the matter of this applicant's enrollment as a citizen by intermarriage of the Choctaw Nation. On August 18, 1900, Mr. Heren was notified that a protest had been entered by the attorneys for the Choctaw Nation as to his enroll-

ment as a citizen by intermarriage of the Choctaw Nation and that a further hearing would be given him or such witnesses as he might desire to present in support of his application at Atoka, Indian Territory, December 3, 1900. On December 6, 1900 at Atoka, Indian Territory, this case was called for hearing but no appearance was made by the applicant, John L. Heron nor was any additional testimony submitted for the consideration of the Commission by the attorneys for the Choctaw Nation. The attorneys for the Choctaw Nation have filed with the Commission evidence of proof of service of notice of their protest upon this applicant. If Mr. Heron now desires to offer any additional testimony of witnesses in support of his application such witnesses will be heard upon their personal appearance before the Commission at its office in Muskogee at any time prior to the date of the final closing of the rolls of citizenship of the Choctaw Nation and the submission of the same to the Secretary of the Interior provided that thirty days' notice of the taking of such testimony be first served upon the attorneys for the Choctaw Nation, Messrs Mansfield, McMurray & Cornish, at South McAlester, Indian Territory.

Yours truly,

Acting Chairman.

7-D-506

Enc 0

40.089

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Choctaw D-506.

Muskogee, Indian Territory, March 4, 1902.

John L. Herron,

Sans Bois, Indian Territory.

You are hereby notified that the application of yourself for enrollment as a citizen of the Choctaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 12th day of April, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

Register.

Commissioner in Charge.

Chee.D 806

Muskogee, Indian Territory, June 13, 1902.

W. M. Redwine,

Attorney at Law,

South McAlester, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 1st instant, requesting that you be furnished with a copy of the evidence in the case of J. L. Herron and advised if a date has been set for the hearing of this case.

You are advised that there are not a sufficient number of copies of the testimony on file in this case to permit of the forwarding of a copy to you, and you are further advised that on April 12, 1902, the matter of the application of John L. Herron for enrollment as a citizen by intermarriage of the Cheetaw Nation was called for final consideration at the office of the Commission at Muskogee, Indian Territory, and no appearance was made either by or on behalf of the applicant or on behalf of the Cheetaw Nation.

The Commission now considering this case closed, will as early as practicable render its decision in the case, of which the applicant will be duly advised and also notified of the forwarding of the record in the case to the Secretary of the Interior for his review.

Yours truly,

Choctaw D 508

Muskogee, Indian Territory, January 22, 1903.

Redwine & Jones,

Attorneys at Law,

South McAlester, Indian Territory,

Gentlemen:

Receipt is hereby acknowledged of your letter of date December 6, 1902, which was received at this office, January 7,1903, inclosing affidavit of Vila M. Bullard, which you offer in support of the application for enrollment as an intermarried citizen of the Choctaw Nation of J. L. Herron, and you are advised that the same has been filed with the record in this case.

Respectfully,

Commissioner in Charge.

7-D 506

Muskogee, Indian Territory, November 3, 1903.

John L. Herron,

Quinton, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of October 26, advising of the change in your post office from South McAlester, to Quinton, Indian Territory, and requesting that you be notified at that place relative to the action taken in your case.

In reply to your letter you are informed that the Commission has not yet passed upon your application for enrollment as an intermarried citizen of the Choctaw Nation. Your change of address had been made a matter of record, and as soon as a decision is reached in this case you will be notified of the action taken therein.

Respectfully,

Chairman.

Choctaw 2 Mkd

Muskogee, Indian Territory, February 11, 1904.

John L. Herren,

Quinton, Indian Territory.

Dear Sir:

You are hereby advised that under direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Choctaw and Chickasaw Nations dated January 23, 1904, no further action will be taken relative to your enrollment as an intermarried citizen of the Choctaw Nation until the Commission is further instructed by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

7-2-306

Muskogee, Indian Territory, September 1, 1904.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 27th ultimo, inquiring as to the present status of the application of John L. Herren for enrollment as a citizen by intermarriage of the Choctaw Nation.

In reply you are informed that no decision has yet been rendered by the Commission in the matter of the application of John L. Herren for enrollment as a citizen by intermarriage of the Choctaw Nation. Mr. Herren has on several occasions been advised that it would be necessary for him to produce and file the Choctaw marriage license under which he was married to Emma Lefore in 1876. This direction has not as far been complied with, and while several affidavits have been filed in the case to the effect that such a license was issued, the Commission desires before taking final action that more conclusive evidence of the fact of the issuance of such marriage license be furnished.

Respectfully,

Chairman.

nwe
47K

MEMORANDA.

S. Canadian

(Date) Sept 15th 1899.

Name John L. Kennan

Choctaw ? yes County ..... Year ..... No. .....

Chickasaw ? ..... County ..... Year ..... Page .....

Citizen by blood ? ..... Mother's citizenship US

Intermarried citizen ? yes

Married under what law ? Choc

License filed this day, ...

Wife's name, ...

Choctaw ? ..... County ..... Year ..... No. .....

Chickasaw ? ..... County ..... Year ..... Page .....

Citizen by blood ? ..... Mother's citizenship .....

Intermarried citizen ? .....

Married under what law ? .....

License filed this day .....

Names of children:

..... of

.....

.....

.....

.....

II-506

.....

.....

.....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

v as to separation &c
testimony attached

Choc 5827

Mattie Woosley

Transferred from Choc # 5827
Oct. 31, 1904.

5827

In the matter of the application for the enrollment of Mattie Woosley as a citizen by intermarriage of the Choctaw Nation.

7-D-337.

Commission to the Five Civilized Tribes,

Durant, Indian Territory.

In the enrollment of Mattie Woolsey, nee Durant, is a Choctaw; by intermarriage; being sworn and examined by Com'r McKennon she testifies as follows:

Q What is your name? A Mattie Woolsey.

Q How old are you? A Thirty.

Q You were admitted by the Dawes Commission in 1896 as an intermarried citizen of the Choctaw Nation? A Yes sir.

Q Since that time you have married to a white man? A Yes sir

Q And a non citizen? A Yes sir.

Q When did you marry him? A 9th of last November 1897.

Q Com'r Needles: Is your former husband dead? A I don't know.

Q Com'r McKennon: You are separated from him? A Yes sir.

Q Did he get a divorce from you? A Yes sir.

Q When was that? A In 1895.

Q Before you applied to the Dawes Commission? A Yes sir, I sent the Commission my divorce.

Q You obtained the divorce yourself from him? A Yes sir.

Q In the Choctaw courts? A Yes sir, in the Supreme Court.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

M D Green

Department of the Interior.

Commission to the Five Civilized Tribes.

In the matter of the application of Mattie Woosley, for enrollment as an intermarried citizen of the Choctaw Nation. ---D 337---

On the first day of March, 1902, the applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were notified by registered mail that the application of Mattie Woosley for enrollment as a citizen of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory on the 9th day of April 1902, for final consideration.

Now, on this 9th day of April, 1902, this cause coming on to be heard pursuant to said notice, the applicant being called, failed to appear either in person or by attorney, and the Choctaw Nation appeared by its attorneys, Mansfield, McMurray & Cornish, and submits this case upon the record.

----oOo----

Harry C Risteen, being first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 9th day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Harry C Risteen

Subscribed and sworn to before me this 11th day of April, 1902.

Clarence Stallwood

Notary Public.

Choctaw D-337.

Muskogee, Indian Territory, March 1, 1908.

Mattie Woolsey,

Velma, Indian Territory.

You are hereby notified that your application for enrollment as a citizen of the Choctaw Nation will be taken up by the Commission to the Five Civilized Tribes for final consideration at its office in Muskogee, Indian Territory, on the 9th day of April, 1908.

On said date you may, if you desire, appear before the Commission in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting said application.

You are further notified that the representatives of the Choctaw Nation will also at the same time be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

The Commission to the Five Civilized Tribes.

Commissioner in Charge.

Register.

7-D-337

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Ardmore, Indian Territory, October 28, 1902.

In the matter of the application for enrollment of Mattie Woosley as a citizen by intermarriage of the Choctaw Nation.

Said Mattie Woosley, being first duly sworn, testified as follows:

Examination by the Commission.

Q What is your name? A Mattie Woosley.
Q How old are you? A Thirty-four.
Q What is your postoffice address? A Velma.
Q How long have you lived in the Chickasaw Nation? A About four or five years.
Q Where did you live before that? A Choctaw.
Q How long did you live in the Choctaw Nation? A Eight or ten years--I don't remember exactly.
Have you lived in the Choctaw and Chickasaw Nations continuously for the past twelve or fourteen years? A Yes sir.
Q Never have made your home elsewhere? A No sir.
Q You are a white woman? A Yes sir.
Q You are an applicant for enrollment as a citizen by intermarriage of the Choctaw Nation, are you? A Yes sir.
Q What is the name of your Choctaw husband? A Hicks Durant.
Q He was a citizen by blood of the Choctaw Nation? A Yes sir.
Q Recognized as such by the tribal authorities? A Yes sir.
Q His rights as a citizen were never questioned? A No sir.
Q When did you marry him? A In '92, I believe.
Q Were you ever married prior to your marriage to Hicks Durant?
A Yes sir.
Q To whom? A Willie Dockery.
Q Did you live with Dockery up until his death? A Yes sir.
Q He died, did he? A Yes sir.
Q Was that the only husband you had before you married Durant?
A No sir, I married before that.
Q To whom? A John Benson.
Q Is he dead? A Yes sir.
Q Both of your other husband's were dead before you married Durant?
A Yes sir.
Q Was Durant ever married before he married you? A I think he was--he said he was.
Q How many times had he been married? A I don't know.
Q Did he have any living wife from he hadn't been divorced when you married him? A He had been divorced from his wife.
Q There was no legal obstruction to your marriage? A No sir.
Q When was you married to Durant? A '92, I think.

Q Where were you living then? A In the Choctaw Nation, near Caddo.
Q How long prior to your marriage in '92 had you been living in the Choctaw Nation? A I couldn't tell--a good many years--eight or ten years before.
Q Where were you married ? A At Caddo.
Q Who married you? A Parson Lloyd--you have my marriage certificate to him.
Q How long did you live with Durant? A About a week.
Q What was the matter? A He didn't want to live with me, I reckon. He decided to quit.
Q Were you divorced from him? A Yes sir.
Q When? A About a year after we were married.
Q Have you remarried since that time? A Yes sir.
Q To whom? A Gillum Woosley.
Q When did you marry him? A In 1896.
Q What time in 1896? A In November, the 9th I think.
Q In 1896 you made an application to the Dawes Commission, didn't you, in writing? A I think I did.
Q Did you state in that application that you were divorced from Durant? A Yes sir.
Q Stating that you had married him and were divorced from him?
A Yes sir.
Q What action did the Dawes Commission take on your application in 1896? A I don't know.
Q You have always maintained a residence in the Chickasaw Nation for the past fourteen years? A Yes sir.
Q Never made your home elsewhere? A No sir.
Q You wasn't married to Woosley when you made applic ation in 1896?
A No sir.
Q Married him just after that? A Yes sir.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Ardmore, Indian Territory, October 28, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Ira S. Niles

Subscribed and sworn to before me this the 2nd day of November, 1902.

Charles H. Sawyer

Notary Public.

Mex

RDA
DCD

7-D-337.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Mattie Woosley as a citizen by intermarriage of the Choctaw Nation.

--:--

D E C I S I O N.

It appears from the record herein that the applicant claims her right to enrollment as a citizen by intermarriage of the Choctaw Nation by reason of her marriage in 1892 to Hicks Durant, a recognized and enrolled citizen by blood of the Choctaw Nation, whose name appears as number 11835 upon the lists prepared by this Commission under the Act of Congress approved July 1, 1902 (32 Stat., 641), of persons entitled to enrollment as citizens by blood of the Choctaw Nation, and approved by the Secretary of the Interior, March 10, 1903; that at the time of said marriage both persons above mentioned were residents in good faith of the Choctaw Nation, and lived together as husband and wife continuously for about one week when they separated and were afterwards divorced; that subsequently in 1896 the applicant was married to Gillum Woosley a non-citizen white man. The applicant had been a resident in good faith of the Choctaw Nation from the time of her said marriage to Hicks Durant up to and including September 25, 1902.

It further appears from the records of the Commission that on September 9, 1896, in the case entitled "Mattie Durant vs. Choctaw Nation", 1896 Choctaw Citizenship Docket, case number 1083, application was made to the Commission under the provisions of the Act of Congress approved June 10, 1896 (29 Stat., 321) for the admission of the applicant herein to citizenship in the Choctaw Nation by reason of her said marriage to Hicks Durant; that the said Mattie Woosley was on December 5, 1896, admitted by the Commission to citizenship in the Choctaw Nation, from which decision no appeal was taken.

It is, therefore, the opinion of this Commission that following the ruling of the Department in the case of Thornton D. Pearce (I. T. D. 4060-1904), relative to the question of forfeiture, Mattie Woosley should be enrolled as a citizen by intermarriage of

the Choctaw Nation, in accordance with the provisions of the Acts of Congress approved June 28, 1898 (30 Stat., 495) and July 1, 1902 (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

OCT 15

Choctaw D-337

Muskogee, Indian Territory, October 15, 1904.

Mattie Woosley,

Alma, Indian Territory.

COPY.

Dear Madam:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered October 15, 1904, granting your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling you as a citizen of the Choctaw Nation. If, at the expiration of said time, no protest has been filed, your name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED Tams Bixby.
Chairman.

Registered.
Enc. 7-D337.

Choctaw D-337.

Muskogee, Indian Territory, October 15, 1904.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations, COPY.

South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission, rendered October 15, 1904, granting the application for the enrollment of Mattie Woosley as a citizen by intermarriage of the Choctaw Nation.

You are hereby notified that you will be allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If, at the expiration of said time, no protest has been filed, her name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

Registered.
Enc.7-D337.

For registry slip see 7-D-255

Muscogee, Indian Territory,

August 18th, 1900.

Mattie Woosley,

Velma, Indian Territory,

Dear Madam:

You are hereby notified that the Choctaw Nation, throughits attorneys, Messrs McKennon, Mansfield, McMurray, & Cornish, has filed with this Commission a notice of protest to your enrollment as a citizen of the Choctaw Nation.

The Commission, commencing December 3rd, 1900, will hold a session at Atoka, Indian Territory. At t at time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Acting Chairman.

7-D-336.

Muskogee, Indian Territory, September 18, 1900.

Mattie Woodley,

Velma, Indian Territory.

Dear Madam:-

Since notifying you on August 18, 1900, of the protest filed by the Choctaw Nation to your enrollment as a citizen of the Choctaw Nation, the Commission has been furnished by the Nation with the grounds upon which objection is made to your enrollment. The protest against you is, that you have married out of the Nation.

The Commission is in possession of a sufficient statement of facts upon which a decision may be rendered and in your case it will not be necessary for you to appear at the appointment at Atoka beginning December 3rd, 1900.

The Commission will accept and consider any written arguments on questions of law submitted on behalf of the Choctaw Nation at any time prior to February 1st, 1901, and on your behalf at any time prior to March 1st, 1901.

As soon thereafter as practicable the Commission will consider and finally determine your right to enrollment and the decision of the Commission, stating fully its reasons for any action that may be taken, will be mailed to you.

Yours truly,

Acting Chairman.

7-D-357

Muskogee, Indian Territory, April 2, 1901.

Mr. R. L. Mc Cauley,

Alma, I. T.

Dear Sir:-

The Commission is in receipt of your letter dated March 25, 1901, requesting information relative to the case of Mattie Woosley. You are informed that on August 18, 1899, Mattie Woosley 30 years of age, was listed for enrollment as an intermarried citizen of the Choctaw Nation and her name placed upon the doubtful card.

On August 18, 1900, Mattie Woosley was notified that the Choctaw Nation, through its attorneys Messrs. Mansfield , Mc Murray & Cornish, had filed with this Commission, a notice of protest to her enrollment as a citizen of the Choctaw Nation, and notice was given her that commencing December 3, 1900, the Commission would hold a session at Ateka, Indian Territory, at which time both she and the Choctaw Nation would be permitted to offer additional testimony and written arguments in her case, and that that hearing would be final.

Under date of September 18, 1900, she was informed that the Commission was in possession of a sufficient statement of facts upon which a decision might be rendered in her case and that it would not be necessary for her to appear at the appointment at

M. L. M. Smiley [illegible]

[illegible] beginning December 2, 1908. She was further informed that the Commission would accept and consider any written arguments or memoranda of law, submitted on behalf of the Choctaw Nation at any time prior to February 2, 1909, and on her behalf at any time prior to March 1, 1909, and that as soon thereafter as practicable, the Commission would consider and finally determine her right to enrollment, and the decision of the Commission stating fully its reasons for any action that might be taken, would be mailed to her post office address.

You are informed that no further action has been taken in this case.

Yours truly,

Acting Chairman.

7- D 537.

Muskogee, Indian Territory, April 22, 1901.

Mr. R. L. McCauley,

Alma, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of the 8th inst., in which you desire to be advised as to what action to take to have the case of Mattie Woosley decided in the near future.

You are informed that on the 3rd inst., the Commission wrote you in full with reference to the status of the case of Mattie Woosley. If she desires to submit additional testimony in support of her application for enrollment, as a citizen of the Choctaw Nation, the Commission will hear such testimony at its office in Muskogee, Indian Territory, June 3rd, 1901, provided a written request signed by her, or by you as her attorney, is filed with the Commission far enough in advance to enable them to serve proper notice of the hearing upon the attorneys of the Choctaw and Chickasaw Nations. It is impossible for the Commission to state at what time final action will be taken upon the rights of doubtful claimants, but the Commission contemplates doing this in the near future.

Yours truly,

Acting Chairman.

7-D-337

Muskogee, Indian Territory, July 6, 1901.

Mattie Woolsey,

Alma, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 31st of May, relative to your rights to enrollment as a citizen by intermarriage of the Choctaw Nation.

Replying thereto you are informed that when the matter of your enrollment is taken up for consideration by the Commission, it will receive the same attentionand careful consideration as if you had been represented by some attorney.

It is impossible to inform you at this time as to the probability of any final action upon your rights to enrollment. There is at present no agreement or ruling in effect providing for the closing of the rolls of citizenship of the Choctaw Nation, and until some such agreement or ruling is reached, final action will probably not betaken in your case.

Yours truly,

Commissioner in Charge.

7-D 337

MoM

7-D-337.

Muskogee, Indian Territory, August 20, 1902.

Mrs. R. L. McCaulley,

Alma, Indian Territory.

Dear Madame:

The Commission is in receipt of your letter of the 12th instant, requesting information as to the status of your application for enrollment as a citizen of the Choctaw Nation.

In reply you are advised that on August 18, 1899, Mattie Woosley, thirty years of age, of Velma, Indian Territory, made application to the Commission for the enrollment of herself as a citizen by intermarriage of the Choctaw Nation, having been admitted to such citizenship by the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896, as Mattie Durant, Choctaw citizenship case No. 1063.

No final action has been taken by the Commission relative to said application, but it is probable that the same will be taken up for consideration at an early date, at which time you will be advised of the decision of the Commission and of the forwarding of the record in the case to the Secretary of the Interior for review.

Yours truly,

Acting Chairman.

T-D-337.

Muskogee, Indian Territory, December 17, 1902.

Mattie Beasley,

Alma, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 4th inst., in which you ask if you have been enrolled. You state that you were before the Commission at Ardmore; and if your case has been decided, you would be glad to be advised thereof.

You are informed that it appears from our records that you have been listed among the doubtful claimants to enrollment as an intermarried citizen of the Choctaw Nation.

No decision or opinion has yet been rendered in your case. As soon as a decision is reached, you will be duly notified of the action of the Commission.

Respectfully,

Acting Chairman.

Muskogee, Indian Territory, November 18, 1904.

Mattie McCaulley,

Alma, Indian Territory.

Dear Madam:-

Receipt is hereby acknowledged of your letter of November 14, 1904, enclosing the marriage license and certificate between R. L. McCaulley and Mattie Woosley, and requesting that your name be changed upon our records to your present married name of Mattie McCaulley.

In reply to your letter you are informed that you have been enrolled by the Commission as an intermarried citizen of the Choctaw Nation under the name of Mattie Woosley and your name has been placed upon a schedule of intermarried citizens of the Choctaw Nation prepared for forwarding to the Secretary of the Interior. It is therefore impracticable to make the change requested by you at this time.

The marriage license and certificate enclosed with your letter are herewith returned.

Respectfully,

EB 3-19

Chairman.

MEMORANDA.

(Date) Aug 18 1899.

Name .....

Choctaw ? ..... County ..... Year ..... No. .....

Chickasaw ? ..... County ..... Year ..... Page .....

Citizen by blood ? ..... Mother's citizenship .....

Intermarried citizen ? .....

Married under what law ? .....

License filed this day .....

Wife's name, Mattie Moseley

Choctaw ? yes County ..... Year ..... No. .....

Chickasaw ? ..... County ..... Year ..... Page .....

Citizen by blood ? ..... Mother's citizenship .....

Intermarried citizen ? yes .....

Married under what law ? .....

License filed this day .....

Names of children:

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

Admitted by Dawes Comm #1083
as Mattie Durant
As to remarriage see her testimony

D 337

Choc 5828
Sarah E. Turner

5828

Trans from Choc # D-334

Oct. 31, 1904

In the matter of the application for the enrollment of Sarah E. Turner as a citizen by intermarriage of the Choctaw Nation.

7-D-334.

Commission to the Five Civilized Tribes,

Durant, Indian Territory.

In the enrollment of Sarah E. Turner as a Choctaw; being sworn and examined by Com'r McKennon she testifies as follows:

Q What is your name? A Sarah E. Turner.

Q How old are you? A Thirty-three.

Q Were you formerly Sarah Bohanan? A Yes sir.

Q Was that your name in 1896? A Yes sir.

Q You were admitted as an intermarried citizen by the Dawes commission? A Yes sir.

Q Have you married since that time? A I married in 1897.

Q To a white man? A Yes sir.

Q What time in 1897? A February 10th, 1897.

Q Have you a child,- what is its name? A Jessie Turner, a girl.

Q When was it born? A 12th day of July 1898.

Q It is a child of your present husband, a white man? A Yessir

Q It has no Indian blood? A Not a bit.

Com'r McKennon: Its enrollment will be refused.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to the above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

M D Green

Choctaw D- 324

Muskogee, Indian Territory, March 1, 1902.

Sarah E. Turner,

Durant, Indian Territory.

You are hereby notified that the application for enrollment of yourself as a citizen of the Choctaw Nation will be taken up by the Commission to the Five Civilized Tribes for final consideration at its office in Muskogee, Indian Territory, on the 8th day of April, 1902.

On said date, you may, if you desire, appear before the Commission in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting said application.

You are further notified that the Representatives of the Choctaw Nation will also at the same time be afforded an opportunity to introduce testimony affecting your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

The Commission to the Five Civilized Tribes,

Register. Commissioner in Charge.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, April 8, 1902.

In the matter of the application of Sarah E. Turner for enrollment as a citizen by intermarriage of the Choctaw Nation.	D-334.

On the 1st day of March, 1902, the applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were also notified by registered mail that the application of Sarah E. Turner for enrollment as a citizen of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 8th day of April, 1902, for final consideration.

Now on this 8th day of April, 1902, this cause coming on to be heard pursuant to said notice, the Choctaw Nation failed to appear, and the applicant being called failed to appear either in person or by attorney.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on the 8th day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic noted in said cause on the said day of April, 1902.

Hal Belford

Subscribed and sworn to before me this 10th day of April, 1902.

Notary Public.

Department of the Interior
Commission to the Five Civilized Tribes
Tishomingo, I.T. November 4,1902.

Choctaw D-334.

In the matter of the application for enrollment as a citizen by intermarriage of the Choctaw Nation of Sarah E. Turner.

Sarah E. Turner being first duly sworn testified as follows:

Examination by the Commission

Q What is your name? A Sarah E. Turner.
Q What is your age? A Thirty-five.
Q What is your post office address? A Durant.
Q Are you a white woman? A Yes,sir.
Q You claim the right to enrollment as an intermarried citizen of the Choctaw Nation? A Yes,sir.
Q What is the name of your husband through whom you claim the right to enrollment? A David F. Bohanan.
Q Is he living? A No,sir.
Q Was he a citizen by blood of the Choctaw Nation? A Yes,sir.
Q When were you married to him? A The 17th of June 1885.
Q Where were you married? A Near Durant.
Q In the Choctaw Nation? A Yes,sir.
Q How long had you been living in the Choctaw Nation prior to your marriage? A I can't just tell you--I believe ever since I was a little girl. I came to the Territory when I was seven years old.
Q Then you had been living in the Choctaw Nation a number of years when you married Mr. Bohanan? A Yes; I was nothing but a child and grew up here.
Q Was Mr. Bohanan living in the Choctaw Nation at the time you married him? A Yes,sir.
Q You know how long he had lived in the Choctaw Nation prior to his marriage to you? A All of his life I suppose.
Q When did he die? A May 4, in '94.
Q Did you continue to live with him as his wife from the time of your marriage up until the timeof his death? A Yes,sir.
Q There had been no separation between you up to that time? A No,sir
Q Was he your first husband? A Yes,sir.
Q Were you his first wife? A Yes,sir.
Q Did you remarry since the death of Mr. Bohanan? A Yes,sir.
Q Whom did you marry? A J. C. Turner.
Q Is he a white man? A Yes,sir.
Q Is he still living? A Yes,sir.
Q Did you apply to the Dawes Commission in 1896 for citizenship in the Choctaw Nation as an intermarried citizen? A I think it was in '96; I applied to them the last time the was at Durant.
Q Did you send your applicat ion to the Dawes Commission in 1896 when they had their office at Vinita and Fort Smith? A Yes,sir.
Q Were you admitted by the Dawes Commission at that time? A I suppose I was.
Q Was your case appealed to the United States Court at that time? A I think not.
Q Never has been in the United States Court? A Not that I know of
Q When did you say you married Mr. Turner? A The 10th of February 1897.
Q He is still living? A Yes,sir.
Q You are living with him as his wife at the present time? A Yes, sir.

G. Rosenwinkel being duly sworn on his oath states that as a stenographer to the Commission to the Five Civilized Tribes he

#2

reported in full all the proceedings had in the above entitled cause on November 4, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Subscribed and sworn to before me this 17 day of January 1903.

Notary Public.

Choctaw R-409.

In the matter of the enrollment of Jessie Turner as a citizen of the Choctaw Nation.

PROTEST of
Choctaw and Chickasaw Attorneys

AUTHORIZED TO
FILED
FEB 6 1931

Chairman

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for enrollment of Jessie Turner as a citizen of the Choctaw Nation, Choctaw Field No. R-409.

- - - - - - -

We hereby request, on behalf of the Choctaw and Chickasaw Nations, that final decision in this case be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of Joanna Mickle, et al., vs. Choctaw and Chickasaw Nations, No.37 on the South McAlester Docket, in which the said court will decide the question of whether white persons, the widows or widowers of deceased Choctaw or Chickasaw spouses, can confer rights of citizenship upon white husbands or wives whom they may remarry and upon their white children by them, which question is involved in the case to which this communication refers.

This request is filed upon authority granted by the Honorable Secretary of the Interior in his communication to the Commission to the Five Civilized Tribes upon the subject, dated November 18, 1903.

Attorneys for the Choctaw & Chickasaw Nations.

January 23, 1904.

N.F.

7-D-334

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Sarah E. Turner as a citizen by intermarriage of the Choctaw Nation.

-: D E C I S I O N :-

It appears from the census card record in this case that the applicant, Sarah E. Turner, appeared before the Commission August 17, 1899, and made personal application for the enrollment of herself as a citizen by intermarriage, and for the enrollment of her minor child, Jessie Joe Turner, as a citizen of the Choctaw Nation. Further proceedings were had in the matter of this application at Muskogee, Indian Territory, on April 8, 1902, and at Tishomingo, Indian Territory, on November 4, 1902. The application for the enrollment of the said Jessie Joe Turner being differently classified, her rights are not adjudicated in this decision.

It further appears from the record herein that the applicant claims her rights as a citizen by intermarriage of the Choctaw Nation by reason of her marriage on June 17, 1885, to David F. Bohanan, a recognized and enrolled citizen by blood of the Choctaw Nation, who is identified upon the 1893 Choctaw Leased District Pay Roll, Jacks Fork County, page 16, number 162; that at the time of said marriage both persons above mentioned were residents in good faith of the Choctaw Nation and lived together continuously as husband and wife until the death of said David F. Bohanan, May 4, 1894; that thereafter on February 10, 1897, the applicant was married to J. C. Turner, a white man, having no rights of Choctaw citizenship by blood; and that the applicant had been a resident in good faith of the Choctaw Nation from the date of her said marriage to said David F. Bohanan, up to and including September 25, 1902.

It further appears from the records of the Commission that on September 5, 1896, in the case entitled "Sarah Bohanan, vs. Choctaw Nation", (1896 Choctaw Citizenship Docket, case number 602), original application was made to the Commission under the provisions of the Act of Congress approved June 10, 1896, (29 Stat., 321), for the admission of the applicant herein to citizenship in the Choctaw Nation by reason of her said marriage to said David F. Bohanan; and that the said Sarah E. Turner was on December 2, 1896, admitted by the Commission to citizenship in the Choctaw Nation as a citizen by intermarriage, from which decision no appeal was taken.

It is, therefore, the opinion of this Commission that following the ruling of the Department in the case of Thornton D. Pearce (I. T. D. 4060-1904), relative to the question of forfeiture Sarah E. Turner should be enrolled as a citizen by intermarriage of the Choctaw Nation, in accordance with the provisions of the Acts of Congress approved June 28, 1898 (30 Stat., 495) and July 1, 1902 (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

OCT 15 1904

COPY.

Choctaw D-334

Muskogee, Indian Territory, October 15, 1904.

Sarah E. Turner,

Wade, Indian Territory.

Dear Madam:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered October 15, 1904, granting your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling you as a citizen of the Choctaw Nation. If, at the expiration of said time, no protest has been filed, your name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Tams Bixby.

Chairman.

Registered.
Kno.7-D334.

COPY.

Choctaw D-334

Muskogee, Indian Territory, October 15, 1904.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission, rendered October 15, 1904, granting the application for the enrollment of Sarah E. Turner as a citizen by intermarriage of the Choctaw Nation.

You are hereby notified that you will be allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If, at the expiration of said time, no protest has been filed, her name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Tams Bixby.

Chairman.

Registered.
Enc. 7-D334.

For registry slip see 7-D-255

COPY. Choctaw D-334

Muskogee, Indian Territory, October 15, 1904.

Hatchett & Hatchett,

Attorneys-at-Law,

Durant, Indian Territory.

Gentlemen:

You are hereby notified that the Commission to the Five Civilized Tribes, on October 15, 1904, rendered its decision granting the application for the enrollment of Sarah E. Turner as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If, at the expiration of said time, no protest has been filed, her name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Tams Bixby

Chairman.

Registered.

Muscogee, Indian Territory,
August 18th, 1900.

Sarah E. Turner,

Durant, Indian Territory,

Dear Madam:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs McKennon, Mansfield, McMurray, & Cornish, has filed with this Commission a notice of protest to your enrollment as a citizen of the Choctaw Nation.

The Commission, commencing Dece mber 3rd, 1900, will hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Acting Chairman.

7-D-334.

Muskogee, Indian Territory, September 18, 1900.

Sarah E. Turner,

Durant, Indian Territory.

Dear Madam:-

Since notifying you on August 18, 1900, of the protest filed by the Choctaw Nation to your enrollment as a citizen of the Choctaw Nation, the Commission has been furnished by the Nation with the grounds upon which objection is made to your enrollment. But the Commission has, upon examination of its records, found that you were admitted as an intermarried citizen in 1896, under the act of Congress of June the 10th, 1896; your case being No. 609. No appeal having been taken from the decision of the Commission, its action at that time became final.

The Commission is in possession of a sufficient statement of facts upon which a decision may be rendered and in your case it will not be necessary for you to appear at the appointment at Atoka beginning December 3rd, 1900.

The Commission will accept and consider any written arguments on questions of law submitted on behalf of the Choctaw Nation at any time prior to February 1st, 1901, and on your behalf at any time prior to March 1st, 1901.

As soon thereafter as practicable the Commission will consider and finally determine your right to enrollment and the decision of the Commission, stating fully its reasons for any action that may be taken, will be mailed to you.

Yours truly,

7-D-554 Acting Chairman.

Chactas D 334.

Muskogee, Indian Territory, October 24, 1902.

Jesse W. Hatchett,

Durant, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 22nd instant, enclosing affidavit of Sarah E. Turner, as to why application was not made for Jessie Joe Turner in 1899, and the same has been duly filed with the records of this office.

Respectfully,

Acting Chairman.

Choctaw D 334.

Muskogee, Indian Territory, March 11,1903.

Sarah E. Turner,

Durant, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your letter of March 1, asking relative to the enrollment of your child Jessie Joe Turner.

In reply to your letter you are advised that it appears from our records that Sarah E. Turner and her minor child, Jessie Joe Turner, have been listed among the doubtful claimants to enrollment in the Choctaw Nation, and their final right to such enrollment has not yet been determined. As soon as a decision is reached in this case you will be duly notified of the action of the Commission.

Respectfully,

Chairman.

7-B-334

Muskogee, Indian Territory, September 1, 1903.

Sarah E. Turner,

Durant, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of August 15, 1903, asking the status of the enrollment of yourself and your children.

In reply to your letter you are informed that it appears from our records that Sarah E. Turner and her child, Jessie Jee Turner, have been listed among the doubtful claimants to enrollment as citizens of the Choctaw Nation and that their final right to such enrollment has not yet been determined.

As soon as a decision had been reached in this case, you will be notified of the action of the Commission.

Respectfully,

Commissioner in Charge.

7-D-234

Muskogee, Indian Territory, September 1, 1903.

Jesse M. Hatchett,
Attorney at Law,
Denison, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of August 13, 1903, asking if Sarah E. Turner, formerly Sarah Bohanan, is enrolled as a citizen of either the Choctaw or Chickasaw Nation.

In reply to your letter you are informed that it appears from our records that Sarah E. Turner, formerly Sarah E. Bohanan, has been listed among the doubtful claimants to enrollment as an intermarried citizen of the Choctaw Nation and her final rights to such enrollment has not yet been determined.

As soon as a decision is reached in this case she will be notified of the action of the Commission.

Respectfully,

Commissioner in Charge.

7-D-334.

Muskogee, Indian Territory, September 23,1903.

Sarah E. Turner,

Durant, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 17th instant, requesting to be advised relative to your enrollment as an intermarried citizen of the Choctaw Nation, stating that you have written this office several times and received no reply to your letters.

You are informed it appears from our records that Sarah E. Turner is an applicant to this Commission for enrollment as an intermarried citizen of the Choctaw Nation, but no decision has yet been rendered relative to her enrollment as such. As soon as a decision is reached in her case, she will be duly notified of the action taken by the Commission therein.

You are further advised it appears from our records that numerous letters from yourself and Hatchett & Hatchett, attorneys at law, have been received at this office, making inquiry relative to your enrollment, and each letter has been promptly replied to.

Respectfully,

Chairman.

Choctaw D 334

Muskogee, Indian Territory, March 14, 1904.

Sarah E. Turner,

Wade, Indian Territory,

Dear Madam:

Your letter of February 21, addressed to the Secretary of the Interior, has been by him referred to the Commission for consideration and appropriate action. Therein you ask what action has been taken in your citizenship claim.

In reply to your letter you are advised that the Commission has not passed upon the application for the enrollment of Sarah E. Turner and Jessie Joe Turner, as citizens of the Choctaw nation, and on February 6, 1904, there was filed in this case the protest of the attorneys for the Choctaw and Chickasaw Nations, dated January 23, 1904, in which they request that final decision in the case of Jessie Joe Turner be postponed until the action of the Choctaw and Chickasaw Citizenship Court in the case of Joanna Nickle, et al. versus the Choctaw and Chickasaw Nations, Number 37 on the South McAlester docket, in which the said court will decide the question of whether white persons, the widows or widowers of deceased Choctaw or Chickasaw spouses, can confer rights of citizenship upon white husbands or wives who they may subsequently marry and upon their white

S E T S

children by them, which question, they allege, is involved in the case of Jessie Joe Turner.

Under departmental instructions of November 18, 1903, the Commission is estopped from taking further action in cases of this character, wherein protests have been filed by the attorneys for the Choctaw and Chickasaw Nations, until further directed by the Secretary of the Interior.

Respectfully,

Commissioner in charge.

Choctaw-D-234.

Muskogee, Indian Territory, June 16, 1904.

Mrs. S. E. Turner,

Wade, Indian Territory.

Dear Madam,

Receipt is hereby acknowledged of your letter of June 8th, relative to the protest filed in your case by the attorneys for the Choctaw and Chickasaw nations. You also state that you have been informed that your child is listed as a boy which is a mistake.

In reply to your letter you are informed that the Commission has not yet passed upon your application for the enrollment of yourself and your minor daughter, Jessie Joe Turner, as citizens of the Choctaw Nation. You are informed, however, that on June 7, 1904 the Secretary of the Interior overruled the protest of the attorneys for the Choctaw and Chickasaw Nations in your case and the Commission will as early as practicable take up the case for consideration and determination. As soon as a decision is reached in this case, you will be notified of the action taken therein.

Respectfully,

Chairman.

7-D-334

Muskogee, Indian Territory, October 5, 1904.

Sarah E. Turner,

Wade, Indian Territory.

Dear Madam:-

Receipt is hereby acknowledged of your letter of September 30, 1904, requesting information relative to the enrollment of yourself and your minor daughter Jessie Joe Turner.

You are advised that the Commission has not yet passed upon the application for enrollment of Sarah E. Turner as an intermarried citizen of the Choctaw Nation and of her minor daughter Jessie Joe Turner. As soon as a decision is reached in the case you will be duly notified of the action taken therein.

Respectfully,

Chairman.

7-5828

Muskogee, Indian Territory, January 27, 1906.

John C. Turner,

Wade, Indian Territory.

Dear Sir:

Your letter of January 10, 1906, addressed to the Secretary of the Interior has been by him referred to this office for consideration and appropriate action. Therein you state that you understand by a recent ruling of the Department of Justice that where a person had applied before the Dawes Commission for enrollment at any previous time the rolls were now opened for the consideration of their cases; you state you appeared before the Commission to the Five Civilized Tribes in person and tried to make application for your enrollment at the time your wife Sarah E. Turner and your children made application on August 17, 1899, but were informed by Captain McKennon that you had no chance whatever; you state that your wife Sarah E. Turner is an intermarried citizen of the Choctaw Nation and you were married to her February 10, 1891; you now ask how to proceed in this matter.

In reply to your letter you are advised that it does not appear from the records of this office that application has been made by you or on your behalf for enrollment as an intermarried citizen of the Choctaw Nation.

You are further advised that Sarah E. Turner through whom you claim the right to enrollment is herself an intermarried citi-

ken of the Choctaw Nation and under the opinion of the Assistant Attorney General in the Choctaw enrollment case of Emma McKenzie, no person is entitled to enrollment as an intermarried citizen of the Choctaw or Chickasaw Nation by reason of marriage to intermarried citizens. However, if it is insisted that application was made for your enrollment and you desire to present evidence on this point, you will be heard upon your personal appearance at this office accompanied by witnesses who have knowledge of such application at which time your testimony will be taken relative thereto. Notice of the time of taking this testimony, however, must first be served upon the attorneys for the Choctaw and Chickasaw Nations.

Respectfully,

Acting Commissioner.

7-5828

Muskogee, Indian Territory, February 8, 1906.

John C. Turner,

Wade, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of February 1, 1906, in which you state that you insist on making application for enrollment as an intermarried citizen of the Choctaw Nation and desire to know what date to appear before this office.

In reply you are advised that on January 26, 1906, a letter was addressed to you advising you that if you insisted that application had been made for your enrollment and desired to present evidence on this point, you would be heard upon your personal appearance at this office accompanied by witnesses who had knowledge of such application and that notice of the time of taking this testimony must be served upon the attorneys for the Choctaw and Chickasaw Nations. No date can be fixed by this office for the hearing of testimony in cases of this character.

Respectfully,

Acting Commissioner.

7-8828

Muskogee, Indian Territory, February 9, 1906.

Sarah E. Turner,

Wade, Indian Territory.

Dear Madam:

Your letter of January 21, 1906, addressed to the Secretary of the Interior has been by him referred to this office for consideration and appropriate action. Therein you state that you claim your right to enrollment as an intermarried citizen by reason of your marriage to David F. Bohanan who drew his share of the leased district payment, but that you did not draw your money; you therefore ask to be advised if you are entitled to any part of the said payment of $103 and if so how to proceed to procure the same.

In reply to your letter you are advised that it is the information of this office that the 1893 leased district payment was made only to citizens by blood of the Choctaw Nation. However, this is a matter which is not within the jurisdiction of this office and it is impracticable to give you any advice upon the subject.

Respectfully,

Acting Commissioner.

MEMORANDA.

(Date) Aug 17 1899.

Name

Choctaw ? County Year No.

Chickasaw ? County Year Page

Citizen by blood ? Mother's citizenship

Intermarried citizen ?

Married under what law ?

NC License filed this day,

331 Wife's name, Sarah E. Turner

Choctaw ? yes County Blue Year 1896 No. 14331

Chickasaw ? County Year Page 38-2

Citizen by blood ? Mother's citizenship Ms

Intermarried citizen ? yes

Married under what law ?

License filed this day

Names of children:

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

Admitted by Dawes Comm as Sarah Bohanan # 602

As to marriage see testimony

On 96 Roll Sarah Bohanan

D-334

Choc 5827

Thomas M Barnett

5827

Transferred from Choc #D-236

Oct. 31, 1904.

In the matter of the application for the enrollment of Thomas M. Barnett as a citizen by intermarriage of the Choctaw Nation.

7-D-236.

+ D. 236

Commission to the Five Civilized Tribes,
Atoka, Indian Territory.

In enrollment of Thomas M. Barnett as intermarried Choctaw; being sworn and examined by Com. McClennan he testifies:

Name is Thomas M. Barnett, thirty-five years old.

Q You claim to be an intermarried citizen of the Choctaw Nation and you? A Yes sir.

Q What's your wife's name? A Keziah Hamilton.

Q Were you married according to Choctaw law? A Yes sir.

Q Did you obtain a license? A Yes sir.

Q From whom? A From Judge Garland.

Q Were you duly married under this license? A Yes sir.

Q He was a Choctaw officer was he? A Yes sir.

Q How long did you live with your wife?

A Ten years.

Q You are separated from her? A Yes sir. We were separated.

Q And did she obtain a divorce? A Yes sir.

Q Do you know what the charge was, the ground of divorce?

A No sir, I don't believe I do exactly.

Q Did you ever hear? A I heard some of them talking, but I never did hear the straight of it.

Q You never thought enough of it to go and inquire?

A I think the plea was she was afraid I would hurt her some way, that was my understanding about it.

Q Did you never think enough of it to go and see the records?

A No sir, I never went to see the records.

Q You never knew anything of the proceedings? A They never notified me of the time it was to be done. I heard of it through some other persons. In fact I knew she had applied for a divorce but I didn't get any notice of it from the court.

Q She don't know of any cause why she left you do you?

A It was because we couldn't get along; if it was necessary I could bring up plenty of causes for the separation.

Q The question is whether you abandoned her or not?

A Well I didn't.

Q You have married again? A Yes sir.

Q A white woman? A Yes sir.

Q When did you marry the white woman? A The 9th of September I believe it was last; been married little over nine months.

Keziah Jones being sworn testifies:

Q Name is Keziah Jones, thirty-seven years old.

Q You were formerly the wife of Tom Barnett? A Yes sir.

Q You were separated from him and obtained a divorce?

A Yes sir.

Q What was the cause of the separation? A We just didn't get along.

Q Did you leave him or did he leave you? A He left me.

Q And you obtained a divorce from him? A Yes sir.

Q What was the ground of your divorce? A Cruel treatment.

Q Did he treat you cruelly? A Yes sir.

Q In what way? A He abused me, and would get drunk a heap.

Q In what way did he abuse you? A He would use profane language, and beat me sometimes with his fist,- slap me around.

Q And that was the cause of your divorce? A Yes sir.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify upon my official oath as Stenographer to the Dawes Commission, that this is a true and correct translation of my stenographic notes.

Choctaw D-836.

Muskogee, Indian Territory, February 28, 1902.

Thomas M. Barnett,

Iron Bridge, Indian Territory.

You are hereby notified that your application for enrollment as a citizen of the Choctaw Nation will be taken up by the Commission to the Five Civilized Tribes for final consideration at its office in Muskogee, Indian Territory, on the 7th day of April, 1902.

On said date you may if you desire, appear before the Commission in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting said application.

You are further notified that the representatives of the Choctaw Nation will also at the same time be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

The Commission to the Five Civilized Tribes.

T. B. Needles.

Commissioner in Charge.

Register.

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. March 11, 1903.

7-D236

In the matter of the application of Thomas M. Barnett for enrollment as an inter married citizen of the Choctaw Nation.

Thomas M. Barnett being sworn on his oath testified as follows:

Examination by the Commission:

Q What is your name? A Thomas M. Barnett.
Q How old are you? A Thirty nine.
Q What is your post office address? A Iron Bridge.
Q What Nation is that in? A Choctaw.
Q How long have you been a resident of the Choctaw Nation?
A Seventeen years about.
Q Have you lived here continuously for the past seventeen years?
A Yes sir.
Q Never made your home anywhere else?during that time? ANo sir
Q Are you a white man? A Yes sir.
Q Do you claim the right to enrollment as an inter married citizen of the Choctaw Nation? A Yes sir.
Q What is the name of the Choctaw woman through whom you claim this right? A Her maiden name was Keziah Folsom. She was a widow though when I married her.
Q Is she a recognized and enrolled citizen by blood of the Choctaw Nation? A Yes sir.
Q When were you married to this woman? A In 1887 I believe; about that time.
Q Where was this marriage ceremony performed? A Near Iron Bridge Post office.
Q In the Choctaw Nation? A Yes sir; Sans Bois county.
Q At that time were both you and your wife bona fide residents of the Choctaw Nation? A Yes sir.
Q Were you married in accordance with the Choctaw tribal laws?
A Yes sir.
Q From whom did you get the license? A Jusge Garland, got them for me from the Court.
Q How much did you pay for that? A $25.00.
Q Whoperformed the marriage ceremony? A Judge Garland.
Q What ever became of your marriage license and certificate?
A They got destroyed somewhere some way.
Q Did you ever get a certified copy of the license? And certificate from the County Judge- from the County records? A No sir I never tried.
Q Don't you know that it is necessary in your case to have some evidence of your marriage aside from your own statement?
A I don't know; I knew it would be a help to me to have it.
Q We will have to have some evidence of your marriage to your Choctaw wife in accordance with the Choctaw tribal law. Were you ever married previous to your marriage to this woman? A No sir.
Q Was she ever married before? A Yes sir.
Q How many times? A Twice I believe.
Q What were the names of her former husbands? A Nail and Hampton
Q Were both of these men dead at the time of your marriage to her? A Hampton wasn't; Nail was.
Q What was Hampton's full name? A Lon or Lonzo.
Q He was living at the time of your marriage to this woman? A Yes sir.

Q Had they been divorced? A I suppose so.
Q Don't you know? A No sir.
Q You never took the trouble to find that out? A No sir.
Q You don't know whether you were legally married to this woman or not? A He was-- Hamptonwas in the Pen at the time I married her.
Q How long did you live with this woman as her husband? A Ten years.
Q What happened then? A We separated.
Q What was the cause of this separation? A I could give you a cause but I don't like to give it.
Q Did she leave you or you her? A I moved away but she wanted me to.
Q You left her? A Yes sir; she told me she thought more of another man than me.
Q Did she obtain a divorce? A Yes sir.
Q What were the grounds upon which she obtained the divorce? A That I was mean to her.
Q Did you ill-treat her during your married life? A Yes; I fussed with her a little bit and I whipped her once with a switch.
Q She had good cause for leaving you then? A I suppose so; we couldn't get along at all.
Q Have you re-married since your separation from her? A Yes sir
Q What is the name of your second wife? A I have been married twice.
Q What is the name of your second wife? A Hattie Goins.
Q Was she a white woman? A Yes sir.
Q When did you marry her? A About one year after I separated from my Indian woman;I forget the date.
Q How long did you live with her? A Pretty near two years and she died.
Q You married again? A Yes sir.
Q What was the name of your third wife? A Jennie De Armon.
Q Was she a white woman? A Yes sir.
Q How long did you live with her? A Living with her now; been married about two years.
Q Are you at present an actual and bona fide resident of the Choctaw Nation? A Yes sir.

Examination by Simon E. Lewis:

Q Wasn't the main cause of the trouble between you two that you had blowed in about eight or ten thousand dollars worth of her property? A I don't know.
Q You and she had run through about that much money. AYes; the money was about gone; I don't know whether she claimedthat I run through with it or not; but I got some good places with what I had paid in but I have some yet.
Q How many did you give her when you separated from her? A Two I think.
Q Didn't you keep that fine house that you built? A No sir.
Q You give her that? A Yes, give her that and all the cattle I had.

By the Commission:

Q We have no record of your marriage to this woman nor of her divorce from her former husband who was living at the time of your marriage to her. A No sir.

Q Evidence of these two facts will be necessary in the matter of your application for enrollment as an inter married citizen of the Choctaw Nation. A I guess I could get that alright. This man Hampton that first wife of mine was married to, he had a lawful wife when he marriedher; I had forgot that.
Q Your wife was never divorced from this man? A She never needed any; she wasn't married to him; he had a lawful wife when he came up there and married here; and this man Nail her first man is dead.
Q Well, you will have to establish that fact before the Commission. A Well, Judge Lewis knows about that.

Applicant is excused and Simon E. Lewis is called and sworn as a witness:

Examination by the Commission:

Q State your name, age and post office address? A Simon E. Lewis; fifty two years old; McAlester my post office.
Q You are a citizen by blood of the Choctaw Nation? A Yes sir
Q You have held numerous official positions? A Yes sir; at the time of this marriage between this woman, originally named Kizzie Folsom; she married a man named Joseph Nail and lived with him till he died; she was the widow of Nail; one Lon Hampton another Choctaw who was a refugee from justice came up there and married widow Nail and it afterwards developed that Lon Hampton's wife and children were at home down on Red River County and either her or her relatives I don't know which fired him out and the marriage being illegal according to the Choctaw laws she never took any trouble to get any divorce and married this man, Barnett. That's about all.
Q At the time of her marriage to Lon Hampton he had another wife living from whom he had not yet got a divorce? A He did; he was dodging from the marshall and officers and was afterwards arrested and sent to the pen; he was a stranger at that day and none of us knew him and he was a refugee from justice and either her or her relatives fired him out and he went back home and went off to the pen. I just wanted to say that there was no divorce necessary in that case. She afterwards married Barnett.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above testimony on March 11, 1903, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this 17 day of March, 1903.

Charles Ketchum

Notary Public.

Mosholatubbee District

Choctaw Nation,

We the undersigned citizens of Sans Bois County C.N. are personally acquainted with T.M.Barnet a citizen of the United States the past two years and have known him to be a young man of good moral character and habits. That he ready engaged or contract marriage with-

1 J.S.Forrest
2 Joseph Garland Sr.
3 J.Garland Jr.
4 Saul Folsom
5 William Folsom
6 Gibson Christy
7 Morris Garland
8 Ellis Tonelar
9 Robert Cass
10 Robert Flore

Office of Supreme Judge.

April 10th 1867.

Choctaw Nation

County of Sans Bois.

To All Whom These Presents Shall Come Greeting:-

Know ye, that whereas T.M.Barnet a citizen of the United States and State of Texas have this day made application to me the undersigned for a Licens to contract marriage with Kesiah Nail a citizen of Sans Bois County C.N. Now therefore by virtue of the authority in me vested by the Constitution and laws of the Choctaw Nation, do hereby grant unto thesaid T.M.Barnet a License and in compliance with the facts set forth in his application.

Given under my hand this the 9th day of April A.D. 1867.

Joseph Garland

Supreme Judge of the 1st Judicial District.

Choctaw Nation

County of Sans Bois.

This certifies that Thomas M.Barnet citizen of the United States and Kesiah Nail citizen of the Choctaw Nation were at her home in said County by me joined in holy matrimony on the 10th day of April A.D. 1887.

Joseph Garland.
Supreme Judge of the 1st,
Judicial District.

I hereby certify that the above is a true and correct copy of the original presented to me for record this the 28th day of June A.D.1887.

Seal.

H. J. Kayser,
Circuit Clerk 1st,
Jud.Dis. C.N.

I hereby certify that the above and foregoing is a true and correct copy of the original License recorded in this office on the 28th day of June 1887 on page 922 of large Minute Book also used as a record book at that time.

Given under my hand and seal of office this the 20th day of March 1903.

T. J. Dexton,
Circuit Clerk

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAR 27 1903

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Thomas M. Barnett as a citizen by intermarriage of the Choctaw Nation, Choctaw Field No. D-236.

- - - - - - -

We hereby request, on behalf of the Choctaw and Chickasaw Nations, that finaldecision in this case be postponed until final decisionby the Choctaw and Chickasaw Citizenship Court in the case of B. F. Thompson vs. Choctaw and Chickasaw Nations, No. 38 on the South McAlester Docket, in which the said court will decide the question of the validity of that portion of the intermarriage laws of the Choctaw Nation providing for the forfeiture of citizenship of white persons who separate from their Indian spouses, which question is involved in the case to which this communication refers.

This request is filed under authority granted by the Honorable Secretary of the Interior in his communication to the Commission to the Five Civilized Tribes upon the subject, dated November 18, 1903.

Attorneys for the Choctaw & Chickasaw Nations.

January 23, 1904.

7-D-236.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Thomas M. Barnett as a citizen by intermarriage of the Choctaw Nation.

--:--

D E C I S I O N.

It appears from the record herein that on April 10, 1887, the applicant, Thomas M. Barnett, was married in accordance with the laws, customs and usages of the Choctaw Nation, to Keziah Barnett, (formerly Nail) a recognized and enrolled citizen by blood of the Choctaw Nation, whose name (as Keziah Jones) appears as number 7477 upon the lists prepared by this Commission, under the Act of Congress approved July 1, 1902 (32 Stat., 641), of persons entitled to enrollment as citizens by blood of the Choctaw Nation, and approved by the Secretary of the Interior, January 17, 1903; that at the time of said marriage both persons above mentioned were residents in good faith of the Choctaw Nation, and lived together therein as husband and wife continuously for ten years and separated, and the said Keziah Barnett afterwards obtained a divorce from the applicant who was subsequently married to Hattie Barnett a non-citizen white woman and after her death to Jennie Barnett another non-citizen white woman. That the applicant had been a resident in good faith of the Choctaw Nation from the time of his said marriage to Keziah Barnett up to and including September 25, 1902.

Upon an examination of the tribal rolls in the possession of the Commission the applicant is identified upon the 1896 Choctaw Census Roll, page 380, number 14284, enrolled thereon as a citizen by intermarriage of the Choctaw Nation.

It is, therefore, the opinion of this Commission that following the ruling of the Department in the case of Thornton D. Pearce (I. T. D. 4060-1904), relative to the question of forfeiture, Thomas M. Barnett should be enrolled as a citizen by intermarriage

of the Choctaw Nation, in accordance with the provisions of the Acts of Congress approved June 28, 1898 (30 Stat., 495) and July 1, 1902 (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

OCT 15 1904

Choctaw D-236

COPY

Muskogee, Indian Territory, October 15, 1904.

Thomas M. Barnett,

Ironbridge, Indian Territory.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered October 15, 1904, granting your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling you as a citizen of the Choctaw Nation. If, at the expiration of said time, no protest has been filed, your name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Tams Bixby.

Chairman.

Registered.
Enc.7-D236.

Choctaw D-256

Muskogee, Indian Territory, October 15, 1904.

COPY

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission, rendered October 15, 1904, granting the application for the enrollment of Thomas M. Barnett as a citizen by intermarriage of the Choctaw Nation.

You are hereby notified that you will be allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If, at the expiration of said time, no protest has been filed, his name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Tams Bixby.

Chairman.

Registered.
Enc. 7-D256.

For registry slip See
7-D-256

Choctaw D-236

COPY.

Muskogee, Indian Territory, October 15, 1904.

J. W. Jones,
Attorney-at-Law,
Atoka, Indian Territory.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on October 15, 1904, rendered its decision granting the application for the enrollment of Thomas M. Barnett as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If, at the expiration of said time, no protest has been filed, his name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Tams Bixby.

Chairman.

Registered.

Muskogee, Indian Territory,
August, 16th, 1900.

Thomas K. Barnett,
Iron Bridge, Indian Territory.

Dear Sir:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs McKennon, Mansfield, McMurray, & Cornish, has filed with this Commission a notice of protest to your enrollment as a citizen of the Choctaw Nation.

The Commission, commencing December 3rd, 1900, will hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Acting Chairman.

7-D-236.

Muskogee, Indian Territory, September 18, 1900.

Thomas M. Burnett,

Iron Bridge, Indian Territory.

Dear Sir:-

Since notifying you on August 18, 1900, of the protest filed by the Choctaw Nation to your enrollment as a citizen of the Choctaw Nation, the Commission has been furnished by the Nation with the grounds upon which objection is made to your enrollment. The protest against you is, that you have married out of the Nation.

The Commission is in possession of a sufficient statement of facts upon which a decision may be rendered and in your case it will not be necessary for you to appear at the appointment at Atoka beginning December 3rd, 1900.

The Commission will accept and consider any written arguments on questions of law submitted on behalf of the Choctaw Nation at any time prior to February 1st, 1901, and on your behalf at any time prior to March 1st, 1901.

As soon thereafter as practicable the Commission will consider and finally determine your right to enrollment and the decision of the Commission, stating fully its reasons for any action that may be taken, will be mailed to you.

Yours truly,

Acting Chairman.

7-D-256

7-D-236

Muskogee, Indian Territory, February 26, 1903.

Thomas M. Barnett,

Iron Bridge, Indian Territory.

Dear Sir:

It is the present intention of the Commission to establish land offices in the Choctaw and Chickasaw nations April 1, 1903. The act of Congress approved July 1, 1902, provides:

> "No person whose name does not appear upon the rolls as herein provided shall be entitled in any manner to participate in the distribution of the common property of the Choctaw and Chickasaw tribes."

It will be necessary, before your right to enrollment as an intermarried citizen of the Choctaw Nation can be determined, that you appear before the Commission and testify as to your status on September 25, 1902.

For this purpose the Commission has made an appointment at Atoka, Indian Territory, March 10 to 13, 1903, and you should personally appear at said place on one of the above dates for the purpose herein indicated. No further action can be taken relative to the determination of your right to enrollment until this testimony is received.

Respectfully,

Chairman.

Choctaw D 236.

Muskogee, Indian Territory, March 30, 1903.

Mansfield, McMurray & Cornish,

South McAlester, Indian Territory,

Gentlemen:

Receipt is hereby acknowledged of your letter of March 27, stating that Tom Barnett, an applicant for enrollment as an intermarried citizen of the Choctaw Nation has recently remarried a white woman, and desire that this information be made a matter of record.

In reply to your letter you are advised that it appears from our records that at the time of the application of Thomas M. Barnett to this Commission, June 13, 1899, for enrollment as an intermarried citizen of the Choctaw Nation, his testimony and the testimony of Keziah Davis showed that his Choctaw wife had obtained a divorce from him and that he was then married to a noncitizen white woman. His final right to enrollment has not yet been determined.

Respectfully,

Chairman.

7-D 236

Muskogee, Indian Territory, November 18, 1903.

G. Y. Henderson,

Durant, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of November 12, in which you ask the status of your wife, Lula Henderson.

In reply to your letter you are informed that the Commission has not yet passed upon the application of Lula Henderson for enrollment as an intermarried citizen of the Choctaw Nation and it is impracticable at this time to say when the same will be reached for consideration, but as soon as a decision is rendered in her case she will be notified of the action taken therein.

Respectfully,

Chairman.

Choctaw D 836

Muskogee, Indian Territory, February 11, 1904.

Thomas M. Barnett,

Ironbridge, Indian Territory,

Dear Sir:

You are hereby advised that under direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Choctaw and Chickasaw Nations dated January 23, 1904, no further action will be taken relative to your enrollment as an intermarried citizen of the Choctaw Nation until the Commission is further instructed by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

Choctaw D 236

Muskogee, Indian Territory, April 28, 1904.

J. W. Jones,

Attorney at Law,

Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of April 18, asking if the name of Thomas M. Barnett has been approved as an intermarried citizen of theChoctaw Nation, and if not when it will be approved.

In reply to your letter you are advised that the Commission has not yet passed upon the application of Thomas M. Barnett for enrollment as an intermarried citizen of the Choctaw Nation , but will, as early as practicable, take up the same for consideration and determination, and as soon as a decision is reached he will be notified of the action taken in his case.

Respectfully,

Chairman.

Choctaw D 834

Muskogee, Indian Territory, July 15, 1904.

Thomas M. Barnett,

Ironbridge, Indian Territory,

Dear Sir:

In compliance with your personal request therefor there is inclosed herewith a certificate of the Chairman of the Commission showing that your application for enrollment as an intermarried citizen of the Choctaw Nation is still pending before the Commission to the Five Civilized Tribes, and that your right to such enrollment has not yet been finally determined.

Respectfully,

Chairman.

AS 1-15

78236

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,

I, Tams Bixby, Chairman of the Commission to the Five Civilized Tribes, do hereby certify that Thomas M. Barnett is an applicant to the Commission for enrollment as an intermarried citizen of the Choctaw Nation, which application is still pending before the Commission, his final right to such enrollment not having as yet been determined.

In Testimony Whereof I have hereunto set my hand at Muskogee, Indian Territory, this July 15, 1904.

Chairman.

Choc 5250

Miles S Collins

Transferred from Choc #D-251

Oct 31, 1904.

In the matter of the application for the enrollment of Miles S. Collins as a citizen by intermarriage of the Choctaw Nation.

7-D-251.

D. 257

Commission to the Five Civilized Tribes,

Ogden, Indian Territory.

In the enrollment of Miles Collins as intermarried Choctaw; being sworn and examined by Com'r McKennon he testifies:

Q Your name is Miles S. Collins? A Yes sir, sixty-five years old.

Q You present here a license to marry Miss Mary Daniels, issued by James Thompson as Supreme Judge, February 26th, 1861, have you any marriage certificate? A No sir.

Q You had, but it was destroyed? A Yes sir I had but it was lost or destroyed.

Q Were you in fact married to her? A Yes sir.

Q And did you live with her until her death? A Yes sir

Q Have you married since that time? A Yes sir

Q A white woman? A Yes sir

Q Since her death? A Yes sir, and she is dead now.

Thomas D. Ainsworth being sworn and examined by Com'r McKennon testifies:

Thomas D. Ainsworth, forty-eight years old.

Q Do you know Miles S. Collins? A Yes sir

Q Did you know his wife Mary? A I don't know, I was quite a young lad of a boy along then, and he and Turner Daniels' Sister was all I know about it; they lived near Skullyville.

Q They lived together as husband and wife? A Yes sir.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

M D Green

Department of the Interior
Commission to the Five Civilized Tribes
Wister, I. T., December 18th, 1902.

Choctaw D-251
Intermarried

----------oOo----------

In the matter of the application of Miles S. Collins for enrollment as an intermarried citizen of the Choctaw Nation; also for the enrollment of his child, Joseph E. Collins, as a citizen of the Choctaw Nation.

Miles S. Collins being first duly sworn testified as follows:

Examination by the Commission.

Q What is your name? A Miles S. Collins.
Q How old are you? A Seventy years old.
Q What is your post office address? A Fort Smith is where I get my mail.
Q Where is your home? A In Skullyville county.
Q How long haveyou lived in the Choctaw Nation? A Thirty-four years.
Q Have you never made your home anywhere else during that time?
A No sir.
Q Do you claim intermarried rights in the Choctaw Nation? A Yes sir.
Q What is the name of your Choctaw wife through whom you claim these rights? A Mary Daniels.
Q Was she a recognized and enrolled citizen of the Choctaw Nation?
A Yes sir.
Q Were her rights as such ever disputed? A No sir.
Q When were you married to Mary Daniels? A I was married in '68; March, '68.
Q Whereas this marriage ceremony performed? A In Skullyville county.
Q At that time were both you and your wife bona fide residents of the Choctaw Nation? A Yes sir.
Q Were you married in accordance with the Choctaw tribal law?
A Yes sir, married under a license. The license was issued by Judge Thompson, one of the supreme judges of the court, and married by Parson Folsom, a minister of the gospel, and he gave me a certificate and at that time the records of the court got burnt up and I give it to the Clerk of the court to record and he said as soon as we get books to record it in he would have it recorded, and it was lost that way. The records were burnt up.
Q Were you ever married previous to your marriage to Mary Daniels?
A Yes sir, married to a Cherokee woman.
Q What was her name? A Wilson.
Q Was she dead at the time of your marriage to Mary Daniels?
A Yes sir.

Q Was Mary Daniels ever married before her marriage to you?
A No sir.
Q After that marriage how long did you live together continuously as husband and wife? A I lived with her about twelve years, until she died.
Q There was no separation during her life? A No sir.
Q After her death did you remarry? A Yes sir.
Q What was the name of your third wife? A Lena Gillen.
Q Is she a white woman? A Yes sir.
QX When were you married to her? A Married in '95,I believe it is '95.
Q Did she make any claim to enrollment as a member of any Indian tribe? A No sir, she died fourteen months after we was married.
Q She never claimed any Indian blood? A No sir, she didn't claim any Indian blood.
Q Are you at present an actual and bona fide resident of the Choctaw Nation? A Yes sir, never has been disputed.
Q You have always been recognized as an intermarried citizen?
A Yes sir, been on the jury and in the courts.
Q Have you voted in the Choctaw nation? A Yes sir.
Q Held any offices? A Nothing more than overseer of the road.
Q Got any children by your Indian wife? A Yes sir, one of my sons was here just previous to me, and I have got two others.
Q They are all recognized and enrolled citizens of the Choctaw Nation by blood? A Yes sir, by blood.
Q Is there any one else for whom you wish to make application?
A Just a child.
Q What child do you refer to? A Joseph E. Collins.
Q Is he a child by your white wife? A Yes sir.
Q When was this child born? A He was born the 7th day of March, '97.
Q This child has no Indian blood? A No sir.
Q It's mother is now dead? A Yes sir.
Q When were you married to this white woman? A I was married in February, '95.
Q Have you got evidence of that marriage with you? A Why, yes sir,

There is offered in evidence, marked exhibit "A" and made a part of the record in this case, marriage certificate of Miles S. Collins and Lena Gillilan.

Q You have never made application for this child prior to this time?
A No sir.

- - - - - - - - -

Albert G. McMillan being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribeshe reported the proceedings had in the above entitled cause on the 18th day of December, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert G. McMillan

Subscribed and sworn to before me this 29 day of January, 1903.

Charles Kesauyer

Notary Public.

78.251.

"Exc"

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
DEC 2[illegible] 1902

ACTING CHAIRMAN.

I do certify that I have
this day joined Wm miles &
Collins and miss Lena gilliland
in the holy Bonds of
matrimony this 25th day of
January 1895 according to
the laws of the Choctaw Nation

J H Ward
County Judge
of Skully Co. C.N.

(Copy)

I do certify that I have this day Joined Mr. Miles S. Collins and Miss Iona Gilliland in the holy Bonds of matrimony this 25th day of January 1895. According to the laws of the Choctaw Nation.

J. E. Ward

County Judge
of Skullyville Co.
C.N.

(Endorsed on back as follows)

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED DEC 24 1902

Tams Bixby
Acting Chairman.

7-D-251

"Ex A"

NF.

7-D-251.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Miles S. Collins as a citizen by intermarriage of the Choctaw Nation.

-: D E C I S I O N :-

It appears from the census card record in this case that Miles S. Collins appeared before the Commission, June 16, 1899, and made personal application for the enrollment of himself as a citizen by intermarriage of the Choctaw Nation. Further proceedings were had in the matter of this application at Wister, Indian Territory, December 18, 1902, when the said Miles S. Collins made application for the enrollment of his minor child Joseph E. Collins as a citizen of the Choctaw Nation. The application for the enrollment of said Joseph F. Collins being differently classified his rights are not adjudicated in this decision.

It further appears from the record herein that in the month of February or March 1869, the applicant, Miles S. Collins, was married in accordance with the laws, customs and usages of the Choctaw Nation to Mary Collins (nee Daniels) a recognized citizen by blood of the Choctaw Nation, the name of whose child, Miles S. Collins, by said marriage appears as number 8221 upon the lists prepared by this Commission, under the act of Congress approved July 1, 1902 (32 Stat., 641), of persons entitled to enrollment as citizens by blood of the Choctaw Nation, and approved by the Secretary of the Interior January 17, 1903; that at the time of said marriage both persons first above mentioned were residents in good faith of the Choctaw Nation; that they lived together as husband and wife continuously until the death of the said Mary Collins, about the year 1881; that the applicant thereafter on January 25, 1895, was married to Lena Collins a white woman having no rights of Choctaw Citizenship by blood, and that the applicant had been a resident in good faith of the Choctaw Nation from the date of his said marriage to Mary Collins up to and including September 25, 1902.

Upon an examination of the tribal rolls in the possession of the Commission the applicant is identified upon the 1896 Choctaw Census Roll, number 14382, enrolled thereon as a citizen by intermarriage of said nation.

It is, therefore, the opinion of this Commission that Miles S. Collins should be enrolled as a citizen by intermarriage of the Choctaw Nation, in accordance with the provisions of the acts of Congress approved June 28, 1898 (30 Stat., 495), and July 1, 1902 (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

OCT 15 1904

Choctaw D-251

Muskogee, Indian Territory, October 15, 1904.

COPY.

Miles S. Collins,

Spiro, Indian Territory.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered October 15, 1904, granting your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling you as a citizen of the Choctaw Nation. If, at the expiration of said time, no protest has been filed, your name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Tams Bixby.

Chairman.

Registered.
Enc. 7-D251.

Choctaw D-851.

COPY

Muskogee, Indian Territory, October 15, 1904.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission, rendered October 15, 1904, granting the application for the enrollment of Miles S. Collins as a citizen by intermarriage of the Choctaw Nation.

You are hereby notified that you will be allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If, at the expiration of said time, no protest has been filed, his name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Tams Bixby.

Chairman.

Registered.
Enc. 7-D851.

For registry slip see 7-D-255

7-D 251

Muskogee, Indian Territory, November 25, 1903.

Miles S. Collins, Sr.,

Spiro, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of November 7, addressed to Mr. Jeff D. Ward, which has been by him referred to this Commission for reply. You ask therein the status of your enrollment as an intermarried citizen.

In reply to your letter you are informed that the Commission has not yet passed upon your application for enrollment as an intermarried citizen of the Choctaw Nation. As soon as a decision is reached in this case you will be notified of such action as may be taken.

Respectfully,

Chairman.

Choc 5831

Lula Henderson

5831

Trans from Choc #326

Oct. 31, 1904.

In the matter of the application for the enrollment of Lula Henderson as a citizen by intermarriage of the Choctaw Nation.

7-D-326.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

M D Mann

Commission to the Five Civilized Tribes,

Dur ant, Indian Territory.

In the enrollment of Lula Henderson as an intermarried Choctaw; being sworn and examined by Com'r McKennon she testifies:

Q What is your name? A Lula Henderson

Q How old are you? A Twenty-three

Q You were first married to a Choctaw? A Yes sir

Q What was his name? A Harris Carnes

Q A recognized Choctaw citizen? A Yes sir

Q When did you marry him? A In 1894

Q Did you live with him until he died? A No sir

Q You were separated from him? A Yes sir

Q Did he obtain a divorce from you? A Yes sir

Q When? A In 1895.

Q Then you made application to the Dawes Commission as an intermarried citizen, and were admitted? A Yes sir

Q Since you were admitted you married a white man? A Yes sir

Q What is the date of your marriage to the white man? A October 6th 1897.

Q What is his name? A Gus Henderson

Q He is a United States citizen? A Yes sir.

Examined by Choc. Att'y Shackelford)

Q Was you living with your husband when you made that application? A No sir.

Q Been separated? A Yes sir

Examined by Com'r McKennon)

Q What was the ground of divorce? A I don't know; he got the divorce and didn't let me know anything about it.

Q (Shackelford) How old was he? A I don't know.
Q Old gray headed man? A Yes sir.

Q (Com'r McKennon) Was he 60 or 70 years old? A Yes sir, I guess he was, he looked to be that age.

------ ------

Choctaw D-[illegible]

Muskogee, Indian Territory, March 1, 1902.

Lula Henderson,

Durant, Indian Territory.

You are hereby notified that the application for enrollment of yourself as a citizen of the Choctaw Nation will be taken up by the Commission to the Five Civilized Tribes for final consideration at its office in Muskogee, Indian Territory, on the 8th day of April, 1902.

On said date, you may if you desire, appear before the Commission in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting said application.

You are further notified that the Representatives of the Choctaw Nation will also at the same time be afforded an opportunity to introduce testimony affecting your right to enrollment. But said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

The Commission to the Five Civilized Tribes,

Register. Commissioner in Charge.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, April 8, 1902.

In the matter of the application of Lula Henderson for enrollment as a citizen by intermarriage of the Choctaw Nation.	D-326.

On the 1st day of March, 1902, the applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were notified by registered mail, that the application of Lula Henderson for enrollment as a citizen of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory on the 8th day of April, 1902, for final consideration.

Now on this 8th day of April, 1902, this cause coming on to be heard pursuant to said notice, the Choctaw Nation failed to appear, and the applicant being called, failed to appear either in person or by attorney.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on the 8th day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of April, 1902.

Hal Belford

Subscribed and sworn to before me this 10 day of April, 1902.

Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. March 11, 1903.

7-D326

In the matter of the application of Lula Henderson for enrollment as an inter-married citizen of the Choctaw Nation.

Lula Henderson being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Lula Henderson.
Q That is your present name, is it? A Yes sir.
Q How old are you? A Twenty six.
Q What is your post office address? A Durant.
Q That is in the Choctaw Nation? A Yes sir.
Q How long have you resided in the Choctaw Nation? A About twelve years.
Q Have you lived here continuously for the past twelve years? A Only I was on a visit of nine months to see my brother in Texas.
Q You didn't make your home down there at that time? A No sir.
Q Are you a white woman? A Yes sir.
Q Do you claim the right to enrollment as an inter married citizen of the Choctaw Nation? A Yes sir; here's my Dawes certificate.
Q What is the name of your Choctaw husband through whom you claim this right? A Harris Carrens.
Q Is he a recognized and enrolled citizen of the Choctaw Nation A Yes sir.
Q When were you married to him? A In '94.
Q Where was this marriage ceremony performed? A At Durant.
Q At that time were both you and your husband living in the Choctaw Nation? A Yes sir.
Q Who performed the marriage ceremony? A Parson Clark, minister of the Baptist Church at Durant.
Q Were you ever married before your marriage to Harris Carrens? A Yes, once.
Q What was the name of your former husband? A Ed Pilgram.
Q Was he dead at the time of your marriage to your Indian husband? A Yes sir.
Q Was Harris Carrens ever married before his marriage to you? A Yes sir.
Q How many times? A I don't know just how many; four or five, I don't know.
Q Did he have any living wife at the time of his marriage to you? A I don't know whether he did or not.
Q After your marriage to Harris Carrens how long did you live together as husband and wife? A About three months.
Q What happened at the end of that time? A --
Q Did you separate or did he die? A He treated me so bad I couldn't stay; I had to go back to papa.
Q You left him? A Yes; he drive me away.
Q You only lived with him about three years? A Yes sir.
Q Since your separation from him have you re-married? A Yes sir
Q What is the name of your third husband? A Gus Henderson.
Q Is he a white man? A Yes sir.
Q He makes jo claim to enrollment as a member of any Indian tribe? A No sir.

Q When were you married to him? A '97.
Q Where were you married? A Durant.
Q Are you still living with him? A Yes sir.
Q Were you an applicant before this Commission in 1896 for admission to citizenship in the Choctaw Nation? A Yes sir.
Q Did you then apply as an inter-married citizen? A Yessir.
Q What action was taken by the Commission upon your application at that time? A Well, here's the certificate that they sent me.
Q Were you admitted or refused? A I was admitted.
Q Was your case ever appealed to the United States Court? A No sir.
Q Did you apply to the Dawes Commission in 1896 before or after your separation from your Indian husband? A After.
Q You had been separated from him some time when you applied before the Commission? A Yes sir; we had been separated some time over a year.
Q Are you at present an actual and bona fide resident of the Choctaw Nation? A Yes sir.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above testimony on March 11, 1903, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this 11 day of March, 1903

Charles H. Sawyer

Notary Public.

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Lula Henderson as a citizen by intermarriage of the Choctaw Nation, Choctaw Field No. D-326.

- - - - - - -

We hereby request, on behalf of the Choctaw and Chickasaw Nations, that final decision in this case be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of B. F. Thompson vs. Choctaw and Chickasaw Nations, No. 38 on the South McAlester Docket, in which the said court will decide the question of the validity of that portion of the intermarriage laws of the Choctaw Nation providing for the forfeiture of citizenship of white persons who separate from their Indian spouses, which question is involvedin the case to which this communication refers.

This request is filed under authority granted by the Honorable Secretary of the Interior in his communication to the Commission to the Five Civilized Tribes upon the subject, dated November 18, 1903.

Attorneys for the Choctaw & Chickasaw Nations.

January 23, 1904.

7-D-326.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Lula Henderson as a citizen by intermarriage of the Choctaw Nation.

--:--

D E C I S I O N.

It appears from the record herein that the applicant, Lula Henderson, claims her right to enrollment as a citizen by intermarriage of the Choctaw Nation through her marriage in 1894 to Harris Carnes, a recognized and enrolled citizen by blood of the Choctaw Nation, who is identified upon the 1893 Choctaw Leased District Pay Roll, Blue County, page 23, number 237; that at the time of said marriage both persons above mentioned were residents in good faith of the Choctaw Nation, and lived together as husband and wife continuously for about three months and then separated; that afterwards in the year 1897, the applicant was married to Gus Henderson a non-citizen white man. The applicant had been a resident in good faith of the Choctaw Nation from the date of her said marriage to Harris Carnes up to and including September 25, 1902.

It further appears from the records of the Commission that on September 5, 1896, in the case entitled "Mrs. Lula Carnes vs. Choctaw Nation, 1896 Choctaw Citizenship Docket, case number 747, application was made to the Commission under the provisions of the Act of Congress approved June 10, 1896 (29 Stat., 321) for admission of the applicant herein to citizenship in the Choctaw Nation by reason of her said marriage to Harris Carnes; that the said Lula Henderson was on December 3, 1896, admitted by the Commission as a citizen by intermarriage of the Choctaw Nation from which decision no appeal was taken.

It is, therefore, the opinion of this Commission that following the ruling of the Department in the case of Thornton D. Pearce (I. T. D. 4060-1904), relative to the question of forfeiture, Lula Henderson should be enrolled as a citizen by intermarriage of

the Choctaw Nation, in accordance with the provisions of the Acts of Congress approved June 28, 1898 (30 Stat., 495) and July 1, 1902 (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

OCT 15 1904

7-D-326.

Muskogee, Indian Territory, October 15, 1904.

COPY.

Lula Henderson,

Durant, Indian Territory.

Dear Madam:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered October 15, 1904, granting your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling you as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, your name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Tams Bixby.

Chairman.

Registered.

Encl. 7-D-326.

7-D-326.

Muskogee, Indian Territory, October 15, 1904.

COPY.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of this Commission, rendered October 15, 1904, granting the application for the enrollment of Lula Henderson as a citizen by intermarriage of the Choctaw Nation.

You are hereby notified that you will be allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If at the expiration of said time no protest has been filed, her name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Tams Bixby.

Chairman.

Registered. Per registry receipt

Encl. 7-D-326. see 7-D-15.

7-D-326.

Muskogee, Indian Territory, October 15, 1904.

COPY.

B. S. Johnson,
Attorney-at-Law,
Durant, Indian Territory.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on October 15, 1904, rendered its decision granting the application of Lula Henderson for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw nations have been furnished a copy of this decision and are been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said Lula Henderson as a citizen of the Choctaw Nation. If at the expiration of said time no protest has been filed, her name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Tams Bixby.

Registered.

Chairman.

7-D-326.

Muskogee, Indian Territory, October 15, 1904.

COPY.

Hatchett & Stone,

Durant, Indian Territory.

Gentlemen:

You are hereby notified that the Commission to the Five Civilized Tribes, on October 15, 1904, rendered its decision granting the application of Lula Henderson for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said Lula Henderson as a citizen of the Choctaw Nation. If at the expiration of said time no protest has been filed, her name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Tams Bixby.

Registered. Chairman.

Muscogee, Indian Territory,

August 18th, 1900.

Lula Henderson,

Durant, Indian Territory,

Dear Madam:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs McKennon, Mansfield, McMurray, & Cornish, has filed with this Commission a notice of protest to your enrollment as a citizen of the Choctaw Nation.

The Commission, commencing December 3rd, 1900, will hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written argumenst in this case, and this hearing will br final.

Yours truly,

Acting Chairman.

7-D-326.

Muskogee, Indian Territory, September 1, 1900

Rainwett & Stone,

Durant, Indian Territory.

Gentlemen:

The Commission is in receipt of your letter of the 30th of August in which you desire to be informed if Mrs. Lula P. Henderson, the wife of G. Y. Henderson, is on the roll as a Choctaw Indian.

You are informed that the records of the Commission show that Lula Henderson, 23 years of age, of Durant, Indian Territory, was listed for enrollment by this Commission as a doubtful claimant to citizenship in the Choctaw Nation, August 16th, 1899, having been admitted to citizenship in the Choctaw Nation by this Commission under the act of Congress of June 10th, 1896. That subsequent to the action of the Commission admitting her as an intermarried citizen of the Choctaw Nation, she on October 6, 1897, was married to Gus Henderson, a white man having no rights to Indian citizenship by blood. You are informed that on August 18th, 1900, the Choctaw Nation through its attorneys, McKennon, Mansfield, McMurray & Cornish, filed with this Commission notice of protest to the enrollment of Mrs. Henderson as a citizen of the Choctaw Nation. Such notice was mailed to Mrs. Henderson at Durant, Indian Territory within the last few days.

Yours truly,

Acting Chairman.

Muskogee, Indian Territory, September 18, 1900.

Lula Henderson,

Durant, Indian Territory.

Dear Madam:-

Since notifying you on August 18, 1900, of the protest filed by the Choctaw Nation to your enrollment as a citizen of the Choctaw Nation, the Commission has been furnished by the Nation with the grounds upon which objection is made to your enrollment. The protest against you is, that you have married out of the Nation.

The Commission is in possession of a sufficient statement of facts upon which a decision may be rendered and in your case it will not be necessary for you to appear at the appointment at Atoka beginning December 3rd, 1900.

The Commission will accept and consider any written arguments on questions of law submitted on behalf of the Choctaw Nation at any time prior to February 1st, 1901, and on your behalf at any time prior to March 1st, 1901.

As soon thereafter as practicable the Commission will consider and finally determine your right to enrollment and the decision of the Commission, stating fully its reasons for any action that may be taken, will be mailed to you.

Yours truly,

Acting Chairman.

7-D-326

Choctaw D-326

Muskogee, Indian Territory, February 26, 1903.

Lula Henderson,

Durant, Indian Territory.

Dear Madam:

It is the present intention of the Commission to establish land offices in the Choctaw and Chickasaw Nations April 1, 1903. The Act of Congress approved July 1, 1902, provides:

> "No person whose name does not appear upon the rolls as herein provided shall be entitled in any manner to participate in the distribution of the common property of the Choctaw and Chickasaw tribes."

It will be necessary, before your right to enrollment as an intermarried citizen of the Choctaw Nation can be determined, that you appear before the Commission and testify as to your status on September 25, 1902.

For this purpose the Commission has made an appointment at Atoka, Indian Territory, March 10 to 13, 1903, and you should personally appear at [redacted] place on one of the above dates for the purpose herein indicated. No further action can be taken relative to the determination of your right to enrollment until this testimony is received.

Respectfully,

Chairman.

Choctaw D 326

Muskogee, Indian Territory, February 11, 1904.

Lula Henderson,

Durant, Indian Territory.

Dear Madam:

You are hereby advised that under direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Choctaw and Chickasaw Nations dated January 23, 1904, no further action will be taken relative to your enrollment as an intermarried citizen of the Choctaw Nation until the Commission is further instructed by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

7-D-526

Muskogee, Indian Territory, September 24, 1904.

B. S. Johnson,

Attorney at Law.

Durant, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of the 20th instant, requesting to be informed relative to the status of the application for enrollment of Lula Henderson as an intermarried citizen of the Choctaw Nation, stating that her place has already been filed upon.

You are informed that the Commission has not yet passed upon the application for enrollment of Lula Henderson as an intermarried citizen of the Choctaw Nation. As soon as a decision has been rendered in her case you will be notified of the action taken therein.

If any citizen or freedman of the Choctaw or Chickasaw Nation has made application for the land on which Lula Henderson alleges to be the owner of the improvements she will be permitted to appear before the land office of the Commission for the Nation in which such improvements are located and initiate contest proceedings in order to protect such rights as she may have to such improvements, provided her complaint in contest is filed within nine months of the date of original selection.

Respectfully,

7-D-286

Muskogee, Indian Territory, October 1, 1904.

Lula Henderson,

Durant, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of September 17, 1904, addressed to the Secretary of the Interior and by him referred to this Commission for consideration and appropriate action. Therein you request to be advised relative to the status of your application for enrollment as an intermarried citizen of the Choctaw Nation.

You are advised that the Commission has not yet passed upon your application for enrollment as a citizen of the Choctaw Nation. As soon as a decision is reached in your case you will be duly notified of the action taken therein.

Respectfully,

Chairman.

MEMORANDA.

(Date) Aug 16 1899.

Name .....

Choctaw? ..... County ..... Year ..... No. .....

Chickasaw? ..... County ..... Year ..... Page .....

Citizen by blood? ..... Mother's citizenship .....

Intermarried citizen? .....

Married under what law? .....

License filed this day, ...

Wife's name, Lula Henderson

Choctaw? Yes County ..... Year ..... No. .....

Chickasaw? ..... County ..... Year ..... Page .....

Citizen by blood? ..... Mother's citizenship US

Intermarried citizen? Yes

Married under what law? .....

License filed this day .....

Names of children:

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

Admitted by Dawes Com. #1417 as
Mrs. Lula Lawrence

As to separation from ~~her~~ her husband
~~marriage~~ to U.S. citizen see her testimony

D 326

Choc 5832

Mary Jane Thompson

Trans from Choc #D-68

Oct. 31, 1904

5832

In the matter of the application of Mary Jane Thompson for enrollment as a Choctaw citizen.

Mary Jane Thompson being sworn says:

I live at Caney, Choctaw Nation. I am now married to a white man named Thompson.

At one time I was married to a Choctaw, John Moore. I married him May 1st 1897, at Boggy Depot. I lived with him one year when he died. I lived with him from the time I married him until his death.

William H. Moore being sworn says:

I live at Lynn, Chickasaw Nation.

John Moore was my brother. He was married at one time to the woman who is now Mrs. Thompson. I was present at the marriage.

They were married at Boggy Depot, May 1st 1879, by Rev. Wright a full blood India .

John told me that he had had the license recorded in Pickens county, Chickasaw Nation.

My brother and his wife lived together about one year. They lived together as man and wife until he died.

The license and certificate are destroyed. John Moore then lived then in the Chickasaw District and our law was to record in the county we lived in.

Choctaw D-68.

Muskogee, Indian Territory, February 26, 1902.

Mary Jane Thompson,

Caney, Indian Territory.

You are hereby notified that your application for enrollment as a citizen of the Choctaw Nation will be taken up by the Commission to the Five Civilized Tribes for final consideration at its office in Muskogee, Indian Territory, on the 3rd day of April, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting said application.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

The Commission to the Five Civilized Tribes.

T. B. Needles

Register. Commissioner in Charge.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, April 3, 1902.

Mary Jane Thompson		
vs.	D-68.	
The Choctaw Nation.		

In the matter of the application of Mary Jane Thompson for enrollment as a citizen by intermarriage of the Choctaw Nation.

On the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were notified by registered mail, and also on the 26th day of February, 1902, the applicant was also notified by registered mail, that the application of Mary Jane Thompson for enrollment as a citizen by intermarriage of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 3rd day of April, 1902, for final consideration.

Now on this 3rd day of April, 1902, this cause coming on to be heard pursuant to said notice, the Choctaw Nation failed to appear, and the applicants, being called, failed to appear either in person or by attorney.

Hal Delford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on April 3, 1902, and that the above is a full, true and correct transcript of his stenographic notes in said [illegible] said day of April, 1902.

Subscribed and sworn to before me this 3rd day of April, 1902.

Clara M. Stallwood

Notary Public.

Department of the Interior
Commission to the Five Civilized Tribes
Tishomingo, I.T. November 6, 1902.

Choctaw D-68.

In the matter of the application for enrollment as a citizen by intermarriage of the Choctaw Nation of Mary Jane Thompson.

Mary Jane Thompson being first duly sworn testified as follows:

Examination by the Commission

Q What is your name? A Mary Jane Thompson.
Q How old are you? A Forty-one.
Q What is your post office address? A It is Lynn now.
Q Are you a white woman? A Yes,sir.
Q Claim the right to enrollment as an intermarried citizen of the Choctaw Nation? A Yes,sir.
Q What is the name of your husband through whom you claim the right to enrollment? A John Moore.
Q Is he living? A No,sir.
Q Was he a citizen by blood of the Choctaw Nation? A Yes,sir.
Q When were you married to him? A 1879.
Q 1879? A Yes,sir.
Q Where were you married to him? A In the Choctaw Nation at Boggy Depot.
Q How long had you been living in the Choctaw Nation when you married John Moore? A Well I was thirteen years old when I came to the Nation and I was going on eighteen when we were married.
Q Was he living in the Choctaw Nation before you married him? A A No,sir; he was living in the Chickasaw Nation.
Q You know how long he had been living in the Chickasaw Nation before your marriage? A All of his life and he was twenty-seven years old when I married him.
Q When did he die? A In 1880.
Q In 1880? A Yes,sir.
Q You know the date in 1880? A The last of April; he was dead on the first day of May.
Q Did you live with him from the time you married him until the time of his death as his wife? A Yes,sir.
R There had been no separation of any kind or character between you? A No,sir.
Q Was he your first husband? A Yes,sir.
Q Were you his first wife? A Yes,sir.
Q Did he procure a marriage license when you were married? A He married according to the Choctaw laws. We did not have any license where a Choctaw man married a white woman.
Q After you married John Moore where did you go to live? A He carried me down in the Chickasaw Nation.
Q Did he have a place in the Chickasaw Nation? A He had a little house on the plains.
Q In the Chickasaw Nation? A Yes,sir.
Q He went over in the Choctaw Nation to marry you and then took you back to his place in the Chickasaw Nation? A Yes,sir.
Q Have you lived continuously in the Choctaw-Chickasaw Nation ever since you married John Moore? A Yes,sir.
Q You have not been outside the Indian Territory since that time to establish a residence or make a home? A No,sir.
Q Have you married since the death of John Moore? A Yes,sir.
Q More than once? A Yes,sir.
Q What is the name of the first man you married after the death of John Moore? A Wallace Crockett.
Q Was he a citizen by blood of the Choctaw or Chickasaw Nation? A No,sir.

Q He was a white man? A Yes,sir.
Q Is he living? A No,sir.
Q What was the name of the man you married next? A Powers.
Q What was his full name? A Jim Powers.
Q Was he a citizen by blood of the Choctaw or Chickasaw Nation? A No,sir.
Q He was a white man? A Yes,sir.
Q Is he living? A No,sir.
Q Whom did you next marry after you had married Powers? A Nathan Thompson.
Q Was Wallace Crockett living when you married Jim Powers? A No, sir.
Q Was Jim Powers living w en you married Nathan Thompson? A No,sir
Q Do you know whether or not John Moore was recognized by the tribal authorities as a citizen of the Choctaw Nation during his life time? A I guess he was; his brothers all were
Q What was the name of his father? A Joe Moore.
Q Is Joe Moore living? A No,sir.
Q How long has he been dead do you know? A No,sir.
Q What was the name of John Moore's mother? A Mary Moore.
Q Was she a citizen by blood of the Choctaw Nation? A No,sir.
Q Was his father, Joe Moore, a citizen by blood of the Choctaw Nation? A Yes,sir.
Q Has John Moore any brothers or sisters now living? A Yes,sir.
Q What are their names? A He has a sister right here in Tishomingo named Sophie Guinn; I am not very well acquainted with her; that is the best I recollect---It is Sophie Walker.

Sophie Walker is listed for enrollment on Choctaw card field number 293.

Q What is the name of John Moore's brother? A Jesse Moore and Bill Moore.
Q Any more? A Robert.
Q Is that all? A That is all living I think.
Q Bill, is that William Moore? A No,sir; Tom Moore.
Q Is that Bill Moore the same as William Moore? A Yes,sir.

Jesse L. Moore is listed for enrollment on Choctaw field card number 292; Willim H. Moore is listed for enrollment on Choctaw card, fieldnumber, 294; James Moore is listed for enrollment on Choctaw card, field number 347.

Q Who was present at the time of your marriage to John Moore? A Why Jesse was present and Bill was present and Sophie was present.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on November 6, 1902, and that the above andforegoing is a full, true and correct transcript of his stenograhic notes in said cause on said date.

G. Rosenwinkel

Subscribed and sworn to before me this 17 day of January 1903.

Charles H. Jacoyer

Notary Public.

Wait

7-D-68

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Tishomingo, Indian Territory, November 6, 1902.

In the matter of the application for enrollment of Mary Jane Thompson as a citizen by intermarriage of the Choctaw Nation.

Sophia E. Walker, witness on behalf of applicant, being first duly sworn, testified as follows:

Examination by the Commission.

Q What is your name? A Sophia E. Walker.
Q What is your name? A Sophia E. Walker.
Q What was the name of your father? A Joseph G. Moore.
Q Was he a citizen by blood of the Choctaw Nation? A Yes sir.
Q Is he living? A No sir.
Q What was the name of your mother? A Mary E. Rider.
Q That was her maiden name? A Yes sir.
Q Was she a citizen by blood of the Choctaw or Chickasaw Nation?
A No sir, she was a white woman.
Q Are you acquainted with Mary Jane Thompson? A Yes sir.
Q Do you know whether or not she was ever married to John Moore?
A Yes sir, she was married to John Henry Moore in 1879 under the Choctaw laws.
Q What relation, if any, was John Moore to you? A My own brother.
Q You had the same father and mother? A Yes sir.
Q Do you know where they were married? A Yes sir, they was married at Old Boggy Depot, the other side of New Boggy.
Q Were you present when the marriage ceremony was performed? A Yes sir.
Q Who performed the marriage ceremony? A Governor Wright, of the Choctaw Nation.
Q Was your brother John Moore a recognized citizen of the Choctaw Nation at that time? A Yes sir, he went to the free school.
Q Is Mary Jane Thompson a citizen by blood of the Choctaw or Chickasaw Nation? A No sir, nothing but marrying my brother.
Q She is a white woman? A Yes sir, that's what she claims to be.
Q Where had your brother been living before he married Mary Jane Thompson? A Right in the place where she lives now.
Q In the Choctaw or Chickasaw Nation? A Chickasaw Nation.
Q How long had he lived in the Chickasaw Nation before he married Mary Jane Thompson? A All his life-eborn and raised at Lynn.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Tishomingo, Indian Territory, November 6, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Ira S. Niles

Subscribed and sworn to before me this the 26 day of November, 1902.

Charles K Sawyer

Notary Public.

Choctaw D 68

Muskogee, Indian Territory, February 12, 1904.

Mary Jane Thompson,

Linn, Indian Territory.

Dear Madam:

You are hereby advised that under direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Choctaw and Chickasaw Nations dated January 23, 1904, no further action will be taken relative to the enrollment of your minor child, Elsie Monroe Thompson, as a citizen of the Choctaw Nation until the Commission is further instructed by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

7-D-68

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Mary Jane Thompson as a citizen by intermarriage of the Choctaw Nation.

--: D E C I S I O N :--

It appears from the record herein that the applicant Mary Jane Thompson, on May 1, 1879, was lawfully married to John Moore, a recognized citizen by blood of the Choctaw Nation, who is identified as the brother of William H. Moore and of Sophia E. Walker, whose names appear numbers 630 and 14521 respectively upon the lists prepared by this Commission under the act of Congress approved July 1, 1902 (32 Stat., 641), of persons entitled to enrollment as citizens by blood of the Choctaw Nation, approved by the Secretary of the Interior, December 12, 1902, and May 20, 1903, respectively; that at the time of said marriage the applicant was a resident in good faith of the Choctaw Nation and her said husband was a resident in good faith of the Chickasaw Nation, and they lived together as husband and wife in the Chickasaw Nation until the death of said John Moore in the year 1880; that thereafter the applicant was married to Wallace Crockett, and after his death to Jim Powers, and after his death to Nathan Thompson, neither of whom claim any rights as Choctaw citizens by blood. It further appears that the applicant herein was a resident in good faith of the Chickasaw Nation from the time of her marriage on May 1, 1879, up to and including September 25, 1902.

It is, therefore, the opinion of this Commission that following the ruling of the Department in the Thornton D. Pearce case (I.T.D. 4060-1904) relative to the question of

forfeiture, and following the ruling of the Department in the Ella Jones case (I.T.D. 6818-1904), Mary Jane Thompson should be enrolled as a citizen by intermarriage of the Choctaw Nation, in accordance with the provisions of the acts of Congress approved June 28,1898 (30 Stat., 495) and July 1, 1902 (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

OCT 15 1904

7-D-68.

Muskogee, Indian Territory, October 15, 1904.

COPY.

Mary Jane Thompson,

Linn, Indian Territory.

Dear Madam:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered October 15, 1904, granting your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling you as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, your name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Tams Bixby.

Chairman.

Registered.

Encl. 7-D-68.

7-D-68.

Muskogee, Indian Territory, October 15, 1904.

COPY.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of this Commission, rendered October 15, 1904, granting the application for the enrollment of Mary Jane Thompson as a citizen by intermarriage of the Choctaw Nation.

You are hereby notified that you will be allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If at the expiration of said time no protest has been filed, her name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,
Tams Bixby.
Chairman.

Registered. For registry receipt
Encl. 7-D-68. see 7-D-15.

Muscogee, Indian Territory,

August 18th, 1900.

Mary Pate Thompson,

Canby, Indian Territory.

Dear Madam:

You are hereby notified that the Choctaw Nation, through its attorneys, Moore, McKennon, Hamrick, Murray, & Cornish, has filed with this Commission a notice of protest to your enrollment as a citizen of the Choctaw Nation.

The Commission, commencing December, 3rd, 1900, hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Acting Chairman.

7-D-68.

Muskogee, Indian Territory, September 18, 1900.

Mary Jane Thompson,

Caney, Indian Territory.

Dear Madam:-

Since notifying you on August 18, 1900, of the protest filed by the Choctaw Nation to your enrollment as a citizen of the Choctaw Nation, the Commission has been furnished by the Nation with the grounds upon which objection is made to your enrollment. The protest against you is, that you have married out of the Nation.

The Commission is in possession of a sufficient statement of facts upon which a decision may be rendered and in your case it will not be necessary for you to appear at the appointment at Atoka beginning December 3rd, 1900.

The Commission will accept and consider any written arguments on questions of law submitted on behalf of the Choctaw Nation at any time prior to February 1st, 1901, and on your behalf at any time prior to March 1st, 1901.

As soon thereafter as practicable the Commission will consider and finally determine your right to enrollment and the decision of the Commission, stating fully its reasons for any action that may be taken, will be mailed to you.

Yours truly,

Acting Chairman.

Muskogee, Indian Territory, March 22, 1902.

Mary Jane Thompson,

Linn, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 15th instant, replying to our communication of February 25, 1902, notifying you that your application for enrollment as a citizen by intermarriage of the Choctaw Nation, would be taken up for final consideration at the office of the Commission at Muskogee, Indian Territory on April 3, 1902.

In your letter of the 15th instant you state that you have received no notice of a contest since you were notified on September 18, 1900 that it would not be necessary for you to appear in person before the Commission as there was on file sufficient evidence to determine your right to enrollment.

You now desire to be informed if it will be necessary for you to personally appear before the Commission on April 3, 1902 and if the Commission will accept affidavits from witnesses or will they be required to appear in person.

Replying to your several inquiries you are advised that our notice of February 25, 1902, was to inform you that on April 3,

1902, your case would be taken up for final consideration by the Commission that that on that date the testimony of such witnesses as you might introduce in person would be heard by the Commission.

As early as practicable after that date the Commission will render its decision relative to your final rights to enrollment as a citizen by intermarriage of the Choctaw Nation.

The matter of your personal attendance at the session of the Commission on April 3, 1902, is one that must be determined by yourself.

You are advised that the Commission does not care to accept nor will it consider as material evidence ex parte affidavits in support of applications for enrollment as citizens of the Choctaw Nation. If it is the intention of the Choctaw Nation to introduce testimony affecting your right to enrollment, they will be required to notify you thereof before the same will be heard.

Yours truly,

Commissioner in Charge.

B-C-28.

Muskogee, Indian Territory, January 23, 1903.

H.F. Fultz,

Linn, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 9th inst., requesting to be advised whether or not an application for the enrollment of the infant child of M.J. Thompson has been returned to this office.

You are informed that it appears from our records that on December 18, 1902, there was received at this office an application for enrollment as a citizen of the Choctaw Nation of Elzie Monroe Thompson, infant son of J. and Mary Jane Thompson, born January 2, 1900; and the same was returned to Mary J. Thompson, Linn, Indian Territory, for the reason that the dates in the affidavits as to the birth of this child did not correspond.

The application properly corrected has been duly received at this office and filed with our records as evidence of the birth of said child.

Respectfully,

Acting Chairman.

7-D-68.

Muskogee, Indian Territory, December 18, 1903.

Mary J. Thompson,

Linn, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of the application for enrollment as a citizen of the Choctaw Nation of Elsey Monroe Thompson, infant daughter of N. and M.J. Thompson; and the same is returned to you herewith; for the reason that the date of birth of this child appears in the caption of the application and the affidavit of the mother as January 18, 1900, while in the affidavit of the midwife it is given as January 18, 1903.

Upon return of the enclosed application corrected to show the exact date of the birth of the child, the matter will receive further consideration.

Respectfully,

Acting Chairman.

Enc B I 96.

Choc 5853

John W. Monks

5853

Trans from Choc # D-203

Oct. 31, 1904

7-D-203.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Record in the matter of the application for the enrollment as a citizen by intermarriage of the Choctaw Nation of:

J O H N W. M O N K S,

D 783

Commission to the Five Civilized Tribes,

Vinita, Indian Territory.

In the matter of the enrollment of John W. Monks as intermarried Choctaw. Being sworn and examined by Com. McKennon he testifies:

Q Your name is John W. Monks? A Yes sir thirty-two years old.

Q You claim as an intermarried citizen, when were you married?

A In eighty-six.

Q How long did you live with your Choctaw wife? A About six [illegible] months I guess.

Q And then you abandoned her? A No sir, she abandened me.

Q How long before her death? A She- it is my understanding that she is dead, she soon got a divorce in the Choctaw Court from me; she lived about five year after we separated.

Q That all occurred before you were admitted by the Dawes Commission? A Yes sir.

Q Have you married since? A Yes sir.

Q A white woman? A Yes sir.

Q When? A 1891.

Q These facts were not shown in your application were they?

A No sir. My evidence showed that I was married.

Department of the Interior,

Commission to the Five Civilized Tribes

I hereby certify that the official with as stenographer to the Commission, that this transcript is a true and correct translation of my stenographic notes.

M D Green

Choctaw D-203.

Muskogee, Indian Territory, February 27, 1902.

John W. Monks,

Shady Point, Indian Territory.

You are hereby notified that your application for enrollment as a citizen of the Choctaw Nation will be taken up by the Commission to the Five Civilized Tribes for final consideration at its office in Muskogee, Indian Territory, on the 5th day of April, 1902.

On said date you may if you desire, appear before the Commission in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting said application.

You are further notified that the representatives of the Choctaw Nation will also at the same time be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

The Commission to the Five Civilized Tribes.

T. B. Needles.

Commissioner in Charge.

Register.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, April 5, 1902.

John W. Monks		
vs.		D-203.
The Choctaw Nation.		

In the matter of the application of John W. Monks for the enrollment of himself as a citizen by intermarriage of the Choctaw Nation.

On the 27th day of February, 1902, the applicat was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were also notified by registered mail, that the application of John W. Monks for enrollment as a citizen of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 5th day pf April, 1902, for final consideration.

Now on this 5th day of April, 1902, this cause coming on to be heard pursuant to said notice, the applicant appears by his counsel, and the Choctaw Nation also appears by its Counsel, and this case is sumbitted upon the record as now made and on file with the Commission. The attorney for the applicant asks for fifteen days from this date in which to file his brief which is granted.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on the 5th day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes on said cause on the said day of April, 1902.

Subscribed and sworn to before me this 5 day of April, 1902.

Notary Public.

BEFORE THE COMMISSION TO THE FIVE
CIVILIZED TRIBES.

In Re,
John M. Monks,
Vs.
Choctaw Nation.

BRIEF OF JOHN M.MONKS.

I

FACTS. As shown by the proof, in 1886, John M.Monks was married to Miss Esther James, a Choctaw Indian by blood, regularly and according to the laws and customs of the Choctaw Nation, lived with her a few months, when she deserted him and soon after secured a divorce from him in the Choctaw courts, after some time he married again this time to a white woman, with whom he has since lived.

##########

ARGUMENT. Under Article 28 of the treaty of 1866 by virtue of his marriage to Esther James he became entitled to all the rights of a Choctaw by blood:

Asserting this right under the act of Congress of June 10th. 1896, as shown by the records of this Commission, he filed his application for enrollment upon the 8th. day of September 1896, which was within the time prescribed by the said act. this application was controverted by answer filed October 19th. 1896, by the Choctaw Nation, on the issue thus raised the Commission decided this cause, and on December 2nd. 1896 enrolled the applicant, as an intermarried Citizen.

By the act above refered to the Commission was for the purposes of deciding Citizenship cases made and constituted a judicial tribunal ~~xxxxx~~ (Par. 5 act. June 10th. 1896) and by the terms of the act the decision so made is final and binding on all parties as the act provides "The rolls so prepared by them shall be hereafter held and considered to be the true and correct rolls of persons entitled to the rights of citizenship in said several tribes", except that

it is further provided that , either the Nation or the individual applicant if aggrieved by the decision rendered by the said commission, might appeal to the United States Court in the Indian Territory the decision of which court should be final. Now this appeal to be of any benefit must have been prosecuted within 60 days from the date of the order enrolling the applicant.

It is not contended that the Nation appealed or attempted to appeal from this decision. Hence the Nation is now estopped from denying the validity of the judgement so rendered in this cause: If it should be held otherwise the Nation by its own laches has deprived this applicant of the right of appeal granted him to the federal courts; and has thus gained by negligence an advantage over this applicant which could not have been acquired by the utmost diligence, hence it will be readily seen that at this late date the original finding must in justice to the applicants rights as well as by the terms of the act above mentioned be held to be final.

But it may be contended that the failure of the applicant to state in his application the fact of his marriage to a white woman after the seperation of himself and his Indian wife will be fatal to his claims; but we think that this position is not tennable for two reasons;-

1.This was a fact which in its nature could not have been concealed [redacted] from the representatives of the Nationand the question to the applicant or to any of his neighbors must have revealed this condition , in other words the Nation might have it so desired have learned this fact and if deemed advisable could have prosecuted its appeal within the time specified in the act.

2. This fact if it had been urged as a defence to the claim of the applicant would have availed nothing, and the judgement of this Commission would have been the same as it

was, for the same ruling was made in the case of F.R.Robinson Vs. Choctaw Nation. and was affirmed by the United States Court fwr the Indian Territory, Central District, The Court using the following language in part;-

"The treaty makes evry white man who may marry a Choctaw or Chickisaw woman a citizen, to use the language of the last words of Article 28, # # # ,'in all respectsas though he was a native Choctaw or Chickisawby this provision of the treaty thereis to be no difference between a citizen by virtue of his marriage and a native Choctaw. they are to enjoy equaly and alike all of the benefits of Choctaw citizenship, as well as share the burdens. Any act therefore of the Choctaw Council passed after the ratification of the treaty which make a distinction between them , granting to one greater priveleges ar rights, or imposing on him more burdens than the other, or which shall undertake to enlarge or curtail the rights and privileges which flow from citizenship as to the one and not as to the othef would be in violation of this provision of the treaty and therefore void. An act which puts the white man in any respect in a different attitude or condition than the Indian is void;

This decision is reported in full by the Commission to the Five Tribes in its Eighth annual report to the Secy. of the Interior, on page 124.

And the case on other points was carried to the U.S. Supreme Court and reported in 174 U.S. 475.

It seems that this case settles beyond controversy the fact that this applicant in any view of this case should be enrolled.

[redacted]

Respectfully submitted,

John Sanders

Attorney for applicant.

John M. Brooks
vs.
Choctaw Nation

Brief
of
Applicant

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
APR 22 1902
ACTING CHAIRMAN

Ok. Tandy
Atty

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of John W. Monks as a citizen by intermarriage of the Choctaw Nation, Choctaw Field No. D-203.

We hereby request, on behalf of the Choctaw and Chickasaw Nations, that final decision in this case be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of B. F. Thompson vs. Choctaw and Chickasaw Nations, No. 38 on the South McAlester Docket, in which the said court will decide the question of the validity of that portion of the intermarriage laws of the Choctaw Nation providing for the forfeiture of citizenship of white persons who separate fromtheir Indian spouses, which question is involved in the case to which this communication refers.

This request is filed under authority granted by the Honorable Secretary of the Interior in his communication to the Commission to the Five Civilized Tribes upon the subject, dated November 18, 1903.

Attorneys for the Choctaw and Chickasaw Nations.

January 23, 1904.

Choctaw D-203.

In the matter of the enrollment of John W. Monks as an intermarried citizen of the Choctaw Nation.

PROTEST of
Choctaw and Chickasaw Attorneys

Protest overruled by Department March 31, 1908 21

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
FEB 6 1924

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
Tishomingo, I. T., September 8, 1904.

-----xx-----

7 D. - 203

In the matter of the Application for Enrollment of
JOHN W. MONKS
As a citizen by intermarriage of the Choctaw Nation.

JOHN W. MONKS, having been first duly sworn by Chairman Bixby, testified as follows:-

Examination by the Commission:

Q What is your name ? A John W Monks.
Q How old are you ? A I was 38 the 5th of March.
Q What is your postoffice address ? A Sutter is my present post-office.
Q What Nation is that in ? A Choctaw Nation.
Q How long have you resided in the Choctaw Nation ? A About 36 years.
Q You have lived there continuously for 38 years ? A Yes sir.
Q Where were you born ? A I was born in Missouri.
Q You came to the Choctaw Nation when you were two years old ? A Yes sir.
Q Have you lived there ever since ? A Yes sir.
Q What is your father's name ? A Francis M.Monks.
Q Is your father living ? A Yes sir.
Q What is your mother's name ? A Lucinda Monks.
Q Is she living ? A Yes sir.
Q Both white people ? A Yes sir, my father is an intermarried man, his right has been approved.
Q You don't claim anything by reason of the fact that your father is an intermarried citizen, do you ? A I never made application for that.
Q You claim to be an intermarried citizen yourself, do you not ? A Yes sir.
Q Your father and mother are both white people ? A Yes sir.
Q You have no Indian blood ? A No sir.
Q What is the name of the Choctaw woman you married ? A Esther Jenkins.
Q Was that her maiden name ? A Yes sir.
Q When were you married to her ? A In 1886.
Q Were you ever married before your marriage to her ? A No sir.
Q Was she ever married before she married you ? A No sir.
Q Where were you married ? A Married near Porter's Switch.
Q Who married you ? A Parson Cagle.
Q Were you married under a Choctaw license ? A I never had no license, I was just married like the custom was, got a preacher and had witnesses.
Q How long did you live with this woman ? A About a year.
Q That was until 1887 ? A Yes sir.
Q What happened then ? A We separated at that time.
Q Were you divorced ? A I stayed single and she died.
Q You were not divorced, then ? A I never knew nothing about any divorce, I never applied for any.

Q How long was it after the separation before she died ? A I couldn't say, I was running around most of the time.
Q Did she ever remarry after the separation from you ? A I think she lived with a man.
Q Who was he ? A I couldn't call his name; he was an Indian man.
Q When did your Choctaw wife die ? A I don't know what time she died; it has been sometime though.
Q You have remarried since her death ? A Yes sir.
Q Whom did you marry ? A Emma Blackwell.
Q A white woman ? A Yes sir.
Q You made application to the Dawes Commission in 1896 to be admitted, did you not ? A Yes sir.
Q What action was taken on that application ? A I think I was allowed on that application.
Q Was any appeal taken from that ? A If there was I never was notified.
Q Who drew up that petition for you in 1896 ? A Redwine and Cole were my attorneys.
Q Did you state in the application that you and this woman had separated and were not living together ? A I wouldn't say for certain whether it did or not.
Q You have lived in the Choctaw Nation ever since you first married this woman ? A Yes sir.

W J Jones on oath states that he reported the testimony taken in the matter of the application for enrollment of John W Monks as a citizen by intermarriage of the Choctaw Nation, at the Chickasaw Land Office, Tishomingo, I.T., September 8, 1904, and that the foregoing is a true and correct transcript of his stenographic notes taken in said matter.

W. J. Jones.

Subscribed and sworn to before me this the 10 day of September, 1904.

P. L. London
Notary Public.

7-D-203.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of John W. Monks as a citizen by intermarriage of the Choctaw Nation.

--: D E C I S I O N :--

It appears from the record herein that the applicant John W. Monks, claims the right to enrollment as a citizen by intermarriage of the Choctaw Nation, by reason of his marriage in 1886, to Esther Jenkins, a recognized and enrolled citizen by blood of the Choctaw Nation, who is identified upon the 1885 Choctaw Census Roll, number 568, Skullyville County; that thereafter they were divorced, and in the year 1891 the applicant was married to Emma Blackwell, a white woman claiming no rights of Choctaw citizenship by blood;

It further appears from the records of the Commission that on September 5, 1896, in the case entitled "John M. Monks vs. Choctaw Nation" (1896 Choctaw Citizenship Docket, case number 368) application was made to the Commission under the provisions of the act of Congress approved June 10, 1896 (29 Stat., 321) for the admission of the applicant herein to citizenship in the Choctaw Nation by reason of his said marriage to Esther Jenkins; that the said John W. Monks (as John M. Monks) was on December 2, 1896 admitted by the Commission to citizenship in the Choctaw Nation, from which decision no appeal was taken.

It further appears from the record herein that the applicant was a resident in good faith of the Choctaw Nation on June 28, 1898, and that his status as an intermarried citizen has remained unchanged from the time of his said admission in 1896 up to and including September 25, 1902.

It is, therefore, the opinion of this Commission that John W. Monks should be enrolled as a citizen by intermarriage

of the Choctaw Nation in accordance with the provisions of the acts of Congress approved June 28, 1898 (30 Stat., 495) and July 1, 1902 (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory.

OCT 15 1904

7-D-203.

Muskogee, Indian Territory, October 15, 1904.

COPY.

John W. Monks,

Sutter, Indian Territory.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered October 15, 1904, granting your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling you as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, your name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Tams Bixby.

Chairman.

Registered.

Encl. 7-D-203.

7-D-203.

Muskogee, Indian Territory, October 18, 1904.

COPY.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission, rendered October 15, 1904, granting the application for the enrollment of John W. Monks as a citizen by intermarriage of the Choctaw Nation.

You are hereby notified that you will be allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If at the expiration of said time no protest has been filed, his name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Tams Bixby.

Chairman.

Registered. For registry receipt

Encl. 7-D-203. see 7-D-15.

Muskogee, Indian Territory, October 15, 1904.

COPY.

John London,

Putnam, Indian Territory.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on October 15, 1904, rendered its decision granting the application of John W. Monks for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said John W. Monks as a citizen of the Choctaw Nation. If at the expiration of said time no protest has been filed, his name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Tams Bixby.

Register. Chairman.

Muskogee, Indian Territory, June 11, 1901.

John London,
Attorney at Law,
Poteau, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of May 27th, in which you desire to be advised if John W. Monks has been listed for enrollment as a citizen of the Choctaw Nation by this Commission; also if any application has ever been made to the Commission for the enrollment of W.C., H.C. and J.I. Monks, as citizens of the Choctaw Nation, and if not whether it will be possible for them to be heard by the Commission at this time at its office in Muskogee.

Replying to your letter the Commission has to inform you that the only persons that we have by the name of Monks upon our records are as follows; John W. Monks, 32 years of age, Shadypoint, Indian Territory, on June 6, 1899, at Wister, Indian Territory, made application to this Commission for enrollment as a citizen by intermarriage of the Choctaw Nation. [illegible] up to this time, rendered any final decision as to the rights of this applicant for enrollment, and it will probably be sometime until such judgment has been rendered. Pending the final disposition of this case, the applicant will

be placed upon the doubtful list of claimants to enrollment as citizens of the Choctaw Nation.

At Wister, Indian Territory, on the same date, Francis M. Monks, 70 years of age, made application to this Commission for the enrollment of himself and his wife and his eight children as citizens of the Choctaw Nation. The Commission at that time listed for enrollment as a citizen by intermarriage of the Choctaw Nation Francis M. Monks, he having been admitted to such citizenship by the Commission to the Five Civilized Tribes, acting under the act of Congress of June 10, 1896.

The enrollment of Mr. Monk's wife, Lucinda, and their eight children, William C., Henry C. Monks, Mrs. John Jones, Mrs. James Hill, and James I. Maney and George W. Monks, was refused for the reason that their names were not found upon any of the tribal rolls of the Choctaw Nation in possession of the Commission, nor had they ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896, or by the United States Court in the Indian Territory on appeal.

It appears from the evidence in this case that the claims of Francis M. Monks' wife and children to enrollment was by virtue of the father's citizenship, he was only a citizen by intermarriage, and Lucinda Monks, his wife, being a white

women, and their children having no Cherokee blood. I am of the opinion that they would have no rights to enrollment as citizens of the Cherokee Nation.

Yours truly,

Acting Chairman.

7-2250
7-B-203.
7-B-196.

Muskogee, Indian Territory, April 21, 1902.

John London,

Potcau, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 19th instant, enclosing brief in the matter of the application of John W. Monks for enrollment as a citizen by intermarriage of the Choctaw Nation, and the same has been duly filed with the records of this office.

Yours truly,

Acting Chairman.

7-D-203

Muskogee, Indian Territory, February 26, 1903.

John W. Monks,

Shady Point, Indian Territory.

Dear Sir:

It is the present intention of the Commission to establish land offices in the Choctaw and Chickasaw Nations April 1, 1903. The act of Congress approved July 1, 1902, provides:

> "No person whose name does not appear upon the rolls as herein provided shall be entitled in any manner to participate in the distribution of the common property of the Choctaw and Chickasaw tribes."

It will be necessary, before your right to enrollment as an intermarried citizen of the Choctaw Nation can be determined, that you appear before the Commission and testify as to your status on September 25, 1902.

For this purpose the Commission has made an appointment at Atoka, Indian Territory, March 10 to 13, 1903, and you should personally appear at said place on one of the above dates for the purpose herein indicated. No further action can be taken relative to the determination of your right to enrollment until this testimony is received.

Respectfully,

Chairman.

Choctaw D. 203

Muskogee, Indian Territory, March 12, 1903.

John W. Wenks,

Sutter, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of March 6, stating that your health will not permit of your personal appearance before the Commission at its appointment at Atoka, Indian Territory, March 10 to 13, 1903, inclusive.

Respectfully,

Chairman.

Choctaw D 203

Muskogee, Indian Territory, February 18, 1904.

John W. Monks,

Shady Point, Indian Territory,

Dear Sir:

You are hereby advised that under direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Choctaw and Chickasaw Nations dated January 23, 1904, no further action will be taken relative to your enrollment as an intermarried citizen of the Choctaw Nation until the Commission is further instructed by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

7-D-304.

Muskogee, Indian Territory, August 13, 1904.

John W. Meeks,

Shady Point, Indian Territory,

Dear Sir:

You are hereby notified that before further consideration can be given your application for enrollment as an intermarried citizen of the Chickasaw Nation, it will be necessary for you to appear in person before the Commission to testify as to your intermarried status on September 25, 1902.

For this purpose you are requested to appear at Muskogee, Indian Territory, as soon as possible, or at the land office at Atoka, Indian Territory, on September the 6th or 7th, 1904; or at the land office at Tishomingo, Indian Territory, on September the 8th or 9th, 1904.

Respectfully,

Commissioner in Charge.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

TO THE HONORABLE,

THE SECRETARY OF THE INTERIOR:

Your petitioner, John W. Monks, respectfully represents that he is an intermarried citizen of the Choctaw Nation and was admitted as such under the Act of June 10, 1896 (29 Stats., 321), as John M. Monks; that he is the identical person who was so admitted as John M. Monks in 1896; that he has been listed by the Commission to the Five Civilized Tribes on the final schedule of citizens by intermarriage of the Choctaw Nation and his enrollment as such has been approved by the Honorable Secretary of the Interior.

Your petitioner further represents that the attorneys for the Choctaw and Chickasaw Nations have filed a special protest against your petitioner with the Commission to the Five Civilized Tribes.

Your petitioner respectfully asks that the Commission to the Five Civilized Tribes be directed to proceed with the allotment to your petitioner and that said protest be denied and held for naught.

Respectfully,

Chilton Riley
Atty. for Petitioner.

Through the Commission to the Five Civilized Tribes.

Choc 5834
Charles Hagerman

5834

Trans from Choc # D-536

Oct. 31, 1904.

In the matter of the application for the enrollment of Charles Hagerman as a citizen by intermarriage of the Choctaw Nation.

7-D-536.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
ANTLERS, I.T. Dec. 5, 1902.

7-D536

In the matter of the application of Charles Hagerman for enrollment as an inter married citizen of the Choctaw Nation.

Charles Hagerman being sworn testified as follows:

Examination by the Commission:

Q What is your name? A Charles Hagerman.
Q How old are you? A Sixty seven.
Q What is your post office address? A Antlers.
Q How long have you been a resident of the Choctaw Nation? A About 22 years.
Q Have you lived here continuously for the past 22 years? A Yes sir
Q Never made your home anywhere else during that time? A No sir.
Q Do you claim inter-married rights in the Choctaw Nation? A Yes sir.
Q What is the name of your Choctaw wife through whom you claim these rights? A Celia Ann Ubbit-Ishtiyer.
Q Was this woman a recognized citizen of the Choctaw Nation? AYes s ir.
Q When were you married to her? A 1880.
Q Where was this marriage ceremony performed? A Bennington.
Q At that time were both you and your wife bona fide residents of the Choctaw Nation? A Yes sir.
Q Were you married in accordance with the Choctaw tribal law?
A Yes sir.
Q Did you obtain a tribal license? A Yes sir.
Q From whom did you get that license? A County Clerk, Henry Gooding Kiamitia County.
Q How much did you pay for it? AMr GEorge Cole paid $25.00 For me fo for it; I was working for him and paid him afterwards.
Q Who performed the marriage ceremony? A Parson Lloyd.
Q Were you ever married before your marriage to C.A.Ubbit-Ishtiyar?
A No sir.
Q Was she ever married before her marriage to you? A No sir.
Q How long did you live with her after that marriage? A About four years.
Q What happened at the end of that time? A She committed adultery and was caught and we separated.
Q Did you obtain a divorce? A Yes sir.

There is offered in evidence, marked Exhibit "A" and made a part of the records in this case, certified copy of the records of the District Court of the Choctaw Nation relative to the divorce of Charlie Hagerman and Celia Ann Hagerman.

Q After your divorce from this woman did you re-marry? A Yes sir.
Q What is the name of your second wife? A Sylvania Bagge.
Q Is she a white woman? A Yes sir.
Q When did you marry her? A About one year after the Dawes Commission enrollment.
Q How long did you live with her? A Live with her now.
Q Where were you married to her? A Right here.
Q At Antlers? A Yes sir.
Q Were you married to her under United States law? A Yes sir.
Q Were you an applicant before this Commission in 1896 for admission to citizenship in the Choctaw Nation? A Yes sir.
Q Did you then apply as an inter married citizen? A Yes sir.
Q What action was taken upon your application at that time? A They sent back that I was enrolled; both parties.
Q Was your case ever appealed to the United States Court? ANo sir.
Q Are you at present an actual and bona fide resident of the Choctaw Nation? AYes sir.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on December 5, 1902, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this 31 day of December 1902.

Charles McLaughlin

Notary Public.

"Exh"

7-[illegible]6

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

DEC 10 1902

Acting Chairman.

Equity - Docket, District Court, Choctaw Nation ..... Term 15

no of Case	Attorneys Names	Names of Parties	Cause of action	Date of Filing: month	Day	year	Order and Date
27	C.H. Fraziers	Charlie Hagerman v Seelyann Hagerman	Divorce				Granted July term 1856 and Seelyann to pay Cost 18.85

I hereby certify that the foregoing is a true and Correct Copy of the Docket in the case of Charlie Hagerman vs Seelyann Hagerman for divorce.

This the 27th day of Nov. 1902

C.J. Anderson
Circuit Clerk
Dist C.N.

7-D-536.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Charles Hagerman as a citizen by intermarriage of the Choctaw Nation.

--:--

D E C I S I O N.

It appears from the record herein that the applicant, Charles Hagerman claims his right to enrollment as an intermarried citizen of the Choctaw Nation by reason of his marriage in the year 1880 to Celia Ann Hagerman (nee Ubbit-Ishtiyer) a recognized citizen by blood of the Choctaw Nation; that at the time of said marriage both persons above mentioned were residents in good faith of the Choctaw Nation, and lived together as husband and wife continuously for about four years when they separated, and the applicant afterwards obtained a divorce from said Celia Ann Hagerman; that thereafter the applicant was married to Sylvanie Hagerman a non-citizen white woman. The applicant had been a resident in good faith of the Choctaw Nation from the date of his said marriage to Celia Ann Hagerman up to and including September 25, 1902.

It further appears from the records of the Commission that on September 9, 1896, in the case entitled "Charles Hagerman vs. Choctaw Nation", 1896 Choctaw Citizenship Docket, case number 1355, application was made to the Commission under the provisions of the Act of Congress approved June 10, 1896 (29 Stat., 321) for admission of the applicant herein to citizenship in the Choctaw Nation by reason of his said marriage to Celia Ann Hagerman; that the said Charles Hagerman was on December 8, 1896 admitted by the Commission as a citizen by intermarriage of the Choctaw Nation from which decision no appeal was taken.

It is, therefore, the opinion of this Commission that following the ruling of the Department in the case of Thornton D.

Pearce (I. T. D. 4060-1904), relative to the question of forfeiture Charles Hagerman should be enrolled as a citizen by intermarriage of the Choctaw Nation, in accordance with the provisions of the Acts of Congress approved June 28, 1898 (30 Stat., 495) and July 1, 1902 (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

OCT 15 1904

7-D-536.

Muskogee, Indian Territory, October 15, 1904.

COPY.

Charles Hagerman,

Antlers, Indian Territory.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered October 15, 1904, granting your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling you as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, your name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Tams Bixby.

Chairman.

Registered.

Encl. 7-D-536.

7-D-636.

Muskogee, Indian Territory, October 15, 1904.

COPY.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of this Commission, rendered October 15, 1904, granting the application for the enrollment of Charles Hagerman as a citizen by intermarriage of the Choctaw Nation.

You are hereby notified that you will be allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If at the expiration of said time no protest has been filed, his name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Tams Bixby.

Chairman.

Registered.

Encl. 7-D-636.

For registry receipt see 7-D-15.

T.B.-634.

Muskogee, Indian Territory, October 15, 1904.

COPY.

Arnote & Davenport,

Antlers, Indian Territory.

Gentlemen:

You are hereby notified that the Commission to the Five Civilized Tribes, on October 15, 1904, rendered its decision granting the application of Charles Hagerman for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said Charles Hagerman as a citizen of the Choctaw Nation. If at the expiration of said time no protest has been filed, his name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Tams Bixby.

Chairman.

Register.

Muscogee, Indian Territory,

August 18th, 1900.

Charles Hagerman,

Antlers, Indian Territory,

Dear Sir:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs McKennon, Mansfield, McMurray, & Cornish, has filed with this Commission a notice of protest to your enrollment as a citizen of the Choctaw Nation.

The Commission, commencing December 3rd, 1900, will hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Acting Chairman.

7-D-
536.

Muskogee, Indian Territory, September 18, 1900.

Charles Hagerman,

Antlers, Indian Territory.

Dear Sir:-

Since notifying you on August 18, 1900, of the protest filed by the Choctaw Nation to your enrollment as a citizen of the Choctaw Nation, the Commission has been furnished by the Nation with the grounds upon which objection is made to your enrollment. The protest against you is, that you have married out of the Nation.

The Commission is in possession of a sufficient statement of facts upon which a decision may be rendered and in your case it will not be necessary for you to appear at the appointment at Atoka beginning December 3rd, 1900.

The Commission will accept and consider any written arguments on questions of law submitted on behalf of the Choctaw Nation at any time prior to February 1st, 1901, and on your behalf at any time prior to March 1st, 1901.

As soon thereafter as practicable the Commission will consider and finally determine your right to enrollment and the decision of the Commission, stating fully its reasons for any action that may be taken, will be mailed to you.

Yours truly,

Acting Chairman.

7-D-536

Muskogee, Indian Territory, February 7, 1901.

Arnote & Davenport,

Attorneys at Law,

Antlers, Indian Territory.

Gentlemen:

The Commission is in receipt of your letter of the 2nd instant in which you desire that you be furnished with a copy of the argument filed by the attorneys for the Choctaw nation in the case of the Choctaw Nation versus Charles Hagerman.

Replying to your letter you are informed that the Commission has not up to this time been furnished with any written argument or brief by the attorneys for the Choctaw Nation in this case. The time for the submission of such briefs by the attorneys of the Choctaw Nation has been extended by the Commission to April 1st, 1901 and for the submission of briefs and arguments on behalf of applicants in reply to those submitted by the Choctaw attorneys has been extended to May 15th, 1901.

The Commission has required of the attorneys of the Choctaw Nation that they make such briefs in duplicate so that a copy may be furnished the applicant for the purpose of making reply thereto.

If you will call the attention of the Commission to this matter after the first of April, we can then inform you if any such brief has been filed and if so Mr. Hagerman will be furnished with a copy of the same.

Yours truly,

T-D-SLS

Acting Chief

Choctaw D 536

Muskogee, Indian Territory, September 2, 1903

Charles Hagerman,

Antlers, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of August 28, asking if you have been enrolled as an intermarried citizen of the Choctaw Nation.

In reply to your letter you are informed that it appears from our records that you have been listed among the doubtful claimants to enrollment as an intermarried citizen of the Choctaw Nation, and your final right to such enrollment has not yet been determined. As soon as a decision is reached in this case you will be notified of the action of the Commission.

Respectfully,

Chairman.

Choctaw D 536

Muskogee, Indian Territory, June 23, 1904.

Charles Hagerman,

Antlers, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of June 20, stating that all the land which you had selected as your allotment has been filed on by other citizens except about fifty acres, and unless your case is decided soon you fear that will also be taken.

In reply to your letter you are advised that the Commission has not yet passed upon your application for enrollment as an intermarried citizen of the Choctaw Nation, but as soon as a decision is reached you will be notified of the action taken therein.

You are further advised that if you have improvements on land which you desire to select in allotment and others have filed thereon you will be permitted to make formal application for the land, upon your personal appearance at the land office for the nation in which the same is located, within nine months from the date of the original selection, for the purpose of instituting contest therefor.

Respectfully,

Commissioner in Charge.

Choctaw D 536

Muskogee, Indian Territory, January 8, 1904.

Charles Hagerman,

Antlers, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of January 2, asking when you may expect a decision in your case. You state that you have been informed that your home place has already been filed on, and ask, in the event this is true, what protection you have.

In reply to your letter you are informed that the Commission is passing upon applications for enrollment in the Choctaw and Chickasaw Nations as rapidly as possible, but it is impracticable to say when your case will be taken up for consideration and determination. As soon as a decision is reached therein you will be notified of the action taken.

You are further advised that if you will furnish a description of the land which you desire to select in allotment you will be advised if any part thereof has already been filed on by any citizen or freedman of the Choctaw or Chickasaw Nation and in the event the same has been selected in allotment by any other person you will be permitted to appear at the land office for the nation in which

C H S

the same is located, and make application therefor and institute contest proceedings.

Respectfully,

Commissioner in Charge.

7-D-836

Muskogee, Indian Territory, October 15, 1904.

Charles Hagerman,

Antlers, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of the 11th instant, requesting to be advised relative to the status of the application for your enrollment as an intermarried citizen of the Choctaw Nation, and when a decision will be reached therein.

You are advised that the Commission has not yet passed upon the application of Charles Hagerman for enrollment as an intermarried citizen of the Choctaw Nation. You are advised, however, that the same will probably be reached in a few days and due notice of the action taken therein forwarded to your address.

Respectfully,

Commissioner in Charge.

WC

MEMORANDA.

Ala.

(Date) Dec 5 1899.

6 H Name Charles Hagenman

Choctaw ? yes County Year No.

Chickasaw ? County Year Page

Citizen by blood ? Mother's citizenship US

Intermarried citizen ? yes

Married under what law ?

License filed this day,

Wife's name,

Choctaw ? County Year No.

Chickasaw ? County Year Page

Citizen by blood ? Mother's citizenship

Intermarried citizen ?

Married under what law ?

License filed this day

Names of children:

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

Admitted by Dawes Com. as Inter. wife, case #1355, No. appeal.

Married a Choc. was divorced from her on ac of adultery on her part, she afterwards died, and in Sept - 1897 he married white woman citizen of the US. under US. Law

D-536

Choc 5835
Arthur C. Messick

Transferred from Choc # D-471
Oct. 31, 1904.

5835

7-D-471.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Record in the matter of the application for the enrollment as a citizen by intermarriage of the Choctaw Nation of:

ARTHUR C. MESSICK.

Commission to the Five Civilized Tribes,

South McAlester, Indian Ter.

In the enrollment of Arthur C. Messick as an intermarried Choctaw; being sworn and examined by Com'r McKennon he states:

Q What is your name? A Arthur C. Messick.

Q How old are you? A Forty.

Q You claim as an intermarried Choctaw? A Yes sir.

Q When were you married to a Choctaw? A Three years ago the 15th day of last July.

Q That was in 1896? A Yes sir, July.

Q You immediately made application to the Dawes Commission for ~~enrollment~~ admission or for recognition as an intermarried Choctaw citizen? A Yes sir; before that though I signed the roll; that was the fall the Choctaw Commission took the census; I signed the roll in Blue County.

Q Were you enrolled by the Choctaws' ~~Comm~~ in Blue County?

A Yes sir.

Q You were admitted by the Dawes Commission as an intermarried citizen? A Yes sir.

Q Since that time you have separated from your wife, when?

A I left there the 13th day of last March; my wife lived in Durant, and I have tried ever since we have been married,- in the beginning her people tried to get her to keep us from marrying, we were married anyway, and her people told her all I was after was trying to beat her out of what she had in the way of property, but she had no property but the farm, and I paid her indebtedness out; I went there with something over three hundred dollars in money, and I give her everything I had, and she got up and voluntarily left the place; she left me; that was two years ago last fall, and she said her reason was she was separating, I was fixing

to rob her out of everything she had, said her people told her so, and I give her everything I had when I saw she wouldn't listen to nothing, I lived there on her farm, and I told her if you wont live with me come into Caddo and I will make you a conveyance, and I gave her everything I had before a Notary Public, every dollar I spent on her farm, and all the work I done I gave it to her in writing. I then came to Atoka without a cent, and went to work and in six weeks she wrote to me to come down and see her, and she says I want to live with you again; I told her I can make a living anywhere if you will stay with me and pay no attention to what other people tells you; she came up there and seemed to be perfectly satisfied for three or four months, and then she got to running backwards and forwards home to her place inside of Caddo, and inside of five months I paid twenty-two dollars railroad fare, and she got dissatisfied again and went off; she just wasn't satisfied, and said she never did love me at all. She went off a year ago last June again without my knowing it, here from Atoka, and she said she was going to leave the country, and never expected to see me again nor be where her own people would know her; in about six weeks she wrote to me again, says we cannot live this way, and I went to see her, and we moved down to Durant, and she again seemed dissatisfied; looked like she couldn't stay at home; and I lived with her six months at Durant, and she wasn't at home over six weeks in the six months, and I got so poor I had to come to Atoka to get something to do to make her a living, and I told her I am going to Atoka and I am going to try to get something to do, I cannot make you a living any longer and you doing as you do, running around and not staying at home; we had no words at all, she got up and went to one of the neighbors' and I left her all the things I had; I paid for one hundred and fifty dollars worth of furniture after I came back to Atoka, that she has to-day. I

told her when I left Durant I will send you some money as soon as I can get into something to do, and I have sent her money twice; I sent her two dollars when I first got up there, I says whenever you make up your mind that you want to stay at home and live with me, let me know and I will send for you.

(Here witness produces letters.)

And I have since then sent her a check for twelve dollars and put a special delivery stamp on the letter, and she refused to accept it when she saw it was my handwriting. I have no children by her.

Robert W. Officer, being sworn and examined, testifies:

Q What is your name? A Robert W. Officer.

Q How old are you? A Fifty-four.

Q You live in Atoka, Indian Territory? A I do.

Q Do you know Mr. Messick? A I do.

Q Did you know his wife? A Yes sir, I married him to his wife.

Q What do you know about their separation? A I know that they were separated, not a great while after the separation Mr. Messick came to me to intercede in behalf of the reunion; I made an effort in that direction; his wife didn't talk favorable. The second separation was at Atoka, and I was informed that he was near dying and went down to see him, and he had taken an overdose of opium, morphine or something of the kind, and still pleading with me to intercede the second time with his wife; in the meantime I had arrived at the conclusion that it wasn't necessary; he wanted me to write to her, she was going away and leave him at Atoka; I told him I didn't think it was any use, to wait until he got in a better condition. It strikes me that I wrote the letter, I know I wrote the letter, but I don't remember whether I sent it or not, but I sent word by a friend of hers and his to intercede with her if he found her at Caddo; I learned a month possibly after that,

that he wasn't encouraged at all, and that she had made up her mind not to live with him.

I was in the family in sickness and in death,- they lost a child at Atoka,- I went with them to bury the child at Armstrong Academy, and I was confident, so far as I could see, that Messick was an attentive husband, looked after her interests; I had some dealings with him, and the reasons why his matters were not always settled up at the time promised was because his wife was drawing on him constantly for means, which I learned from her. He, however, pays his debts when he gets the money. I make that statement in evidence of the fact that his interests were towards his wife financially.

Q What did she have to say about him, did she make any complaint against him? A She said she had made a mistake, she didn't love him.

Q Made no further complaint against him than that? A No sir, ~~xxx:shexjustxdx~~ that she just didn't love him and couldn't live satisfied with him.

Benjamin B. Gunter being sworn and examined states:

Q What is your name? A Benjamin B. Gunter.

Q How old are you? A Thirty-five.

Q Where do you live, A At Durant, Indian Territory.

Q Do you know Mr. Messick and his wife? A Yes sir.

Q State what you know about their separation? A I don't know anything about their separation at all, only I got acquainted with them after they come to Durant, Mr. Messick's wife I know her just when I see her; Messick was there running a restaurant, and I got well acquainted with him, and I know they separated there, and that's all; I don't know how come the separation, or anything about it.

You don't know the causes or anything of the kind? A Nosir.

Q That is all you do know?

A Yes sir.

Julius C. Hampton, being sworn and examined, states:

Q What is your name? A Julius C. Hampton.

Q How old are you? A Thirty-nine.

Q Do you know Mr. and Mrs. Messick? A Yes sir.

Q If you heard her make any statements in regard to their separation you can state them? A I have heard her say on several occasions that he was abusive to her and that at times he was all right for maybe a month or two or three months, and then he would become abusive, and she couldn't live with him; I have tried to get her to go back to him; he has been to my house and she has too. He would always try to get her back. That's all I know about it.

Q Did she say in what manner he was abusive? A She never did say anything about him striking her, but he was abusive in language. She went back to him a time or two to see if he would do better she said, but he was no better than he was the first time, and she concluded she wouldn't stay with him. That is all I know about it, and I don't know that only as I have ~~said~~ been told.

---- ---- ----

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to the above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

M D Green

Commission to the Five Civilized Tribes,

South McAlester, Indian Ter.

In the enrollment of Arthur C. Messick as an intermarried Choctaw; A. Telle being sworn and examined by Com'r McKennon he testifies as follows:

Q What is your name? A A. Telle.

Q How old are you? A Thirty-nine .

Q You are acquainted with Arthur C. Messick? A Yes sir.

Q He is an intermarried Choctaw admitted by the Dawes Commission case number 1325? A Yes sir.

Q Is he living with his wife now? A No sir.

Q When did they separate? A Several months ago.

Q Were they ever separated before that? A I think they were separated two or three ~~times~~ months at another time.

Q He is not now living with his wife? A I don't think he is.

Q You don't know anything of the cause of the separation?

A No sir, I do not; she enrolled at Durant by herself.

Com'r McKennon: It would be best for him to come before us and let us take his testimony about the matter.

Witness: His wife was Jane Cougar, a Choctaw.

--- ---

Department of the Interior,
Commission to the Five Civilized Tribes.
I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

M D Green

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Choctaw D-471.

Muskogee, Indian Territory, March 4, 1902.

Arthur C. Messick,

Pentotoc, Indian Territory.

You are hereby notified that the application of yourself for enrollment as a citizen of the Choctaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 12th day of April, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

Register.

Commissioner in Charge.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, April 12, 1902.

In the matter of the application of Arthur C. Messick for enrollment as a citizen by intermarriage of the Choctaw Nation.	D-471.

On the 4th day of March, 1902, the applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were also notified by registered mail that the application of Arthur C. Messick for enrollment as a citizen by intermarriage of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 12th day of April, 1902, for final consideration.

Now on this 12th day of April, 1902, this cause coming on to be heard, pursuant to said notice, the Choctaw Nation failed to appear, and the applicant appears by his attorney, J. C. Ralls, and submits this cause upon the record and evidence as now made up. This case will now be considered by the Commission on the record as already on file.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on April 12, 1902, and that the above and foregoing is a full true and correct transcript of his stenographic notes, in said cause on the said day of April, 1902.

Hal Belford

Subscribed and sworn to before me this 12 day of April, 1902.

Clarence Tehallwood

Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I. T., November 21st, 1902.

Choctaw D-471
Intermarried

---------oOo---------

In the matter of the application of Arthur C. Messick for enrollment as an intermarried citizen of the Choctaw Nation?

Arthur C. Messick being first duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Arthur C. Messick.
Q How old are you? A Forty-two years old.
Q What is your post office address? A Atoka at present.
Q How long have you lived in the Choctaw Nation? A Since '92.
Q Lived here continuously? A Yes sir?
Q Never have made your home elsewhere? A Nearly all the time I have been in this town.
Q You are a white man? A Yes sir.
Q An applicant for enrollment as an intermarried citizen of the Choctaw Nation? A Yes sir.
Q What is the name of your Choctaw wife through whom you claim your rights as an intermarried citizen? A Jane Gougler.
Q Was she a recognized citi zen by blood of the Choctaw Nation?
A Yes sir.
Q When did you marry her? A On the 15th day of July, 1896.
Q Were you married in accordance with the tribal laws of the Choctaw Nation? A Yes sir.
Q Did you obtain a tribal license to marry this woman? A Yes sir.
Q How much did you pay for that license? A $100 right here in this town.
Q After that marriage you submitted your petition to the Dawes Commission to be admitted as an intermarried citizen in 1896?
A I did.
Q Were you admitted or rejected? A Admitted.
Q Was there any appeal taken from that decision to the United States Court in Indian Territory? A No sir.
Q Have you since your admission by the Dawes Commission in 1896 lived with Jane Gougler continuously as man and wife? A As long as she would stay with me.
Q Is Jane Gougler now living? A Yes sir.
Q Are you living with her? A No sir.
Q Are you divorced? A She is from me, yes sir.
Q When were you divorced? A It was three years ago, last August.
Q Who obtained the divorce? A She did.
Q On what ground? A That I never knew at all; I lived at that time in the Chickasaw Nation forty-five miles west of here.
Q Wasn't your wife living with you? A No sir.
Q How long did you live together as man and wife? A About three years.

Arthur C. Messick---2

Q How long had you been separated when this divorce procedure was instituted? A Nearly a year; it was all over with before I ever got any word at all.
Q The divorce was brought in the Choctaw Nation? A Yes sir, at Mayhew.
Q You were never served with any notice? A No notice, whatever.
Q Do you know what she alleged in her bill of divorce? A Desertion.
Q How long before the institution of the divorce procedure had you been separated from her? A Right at a year.
Q Had you contributed to her support? A I sent twenty dollars at two different times and she sent it back. I told her as long as she would carry herself straight I would send her money, but she sent it back to me. They were issued by G. A. Cobb & Sons in this town.
Q Where were you? A In Pontotoc county, forty miles west of here.
Q What were you doing there? A Owned a farm there.
Q She refused to live with you? A Yes sir; had been living with another man eighteen months; she would live with me a while and go back to him.
Q Was that divorce you say granted three years ago? A August term of court.
Q Have you since the granting of that divorce remarried? A Yes sir.
Q To whom? A Mary F. Nail.
Q Is she a white woman? A Citizen by intermarriage.
Q She is a white woman is she? A Yes sir.
Q Was she ever married before she married you? A Yes sir.
Q To whom? A Ben Nail.
Q Was he a citizen by blood of the Choctaw Nation? A Yes sir, three-fourths Choctaw.
Q Did she live with him up until his death? A Yes sir.
Q When were you married to your present wife? A 14th day of last - -one year ago in March.
Q Where were you married? A Kiowa.
Q Married in accordance with the Choctaw Law? A Yes sir.
Q Did you obtain a license? A Obtained a certificate.
Q Did you obtain a license? A Not from the clerk.
Q Did you obtain any license? A Not from the clerk at all; the certificate of marriage - -
Q You are still living with this woman? A Yes sir.

Albert G. McMillan being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 21st day of November, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert G. McMillan

Subscribed and sworn to before me this 15" day of January, 1903.

Charles O. Stevens

Notary Public.

Choctaw D-471.

In the matter of the enrollment of Arthur C. Mossiek as an intermarried citizen of the Choctaw Nation.

PROTEST of
Choctaw and Chickasaw Attorneys

FILED
FEB 6 1931

CHAIRMAN

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Arthur C. Messick as a citizen by intermarriage of the Choctaw Nation, Choctaw Field No. D-471.

- - - - - - -

We hereby request, on behalf of the Choctaw and Chickasaw Nations, that final decision in this case be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of B. F. Thompson vs. Choctaw and Chickasaw Nations, No. 38 on the South McAlester Docket, in which the said court will decide the question of the validity of that portion of the intermarriage laws of the Choctaw Nation providing for the forfeiture of citizenship of white persons who separate from their Indian spouses, which question is involved in the case to which this communication refers.

This request is filed under authority granted by the Honorable Secretary of the Interior in his communication to the Commission to the Five Civilized Tribes upon the subject, dated November 18, 1903.

Attorneys for the Choctaw & Chickasaw Nations.

January 23, 1904.

FOR
Dlch

7-D-471.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Arthur C. Messick as a citizen by intermarriage of the Choctaw Nation.

--: D E C I S I O N :--

It appears from the record in this case that the applicant, Arthur C. Messick, claims rights as a citizen by intermarriage of the Choctaw Nation by virtue of his marriage in accordance with the laws, customs and usages of the Choctaw Nation on July 15, 1896, to Jane Messick (formerly Gouger), a recognized and enrolled citizen by blood of the Choctaw Nation, whose name (as Jane Pritchard) appears as number 14806 upon the lists prepared by this Commission, under the act of Congress approved July 1, 1902 (32 Stat., 641), of persons entitled to enrollment as citizens by blood of the Choctaw Nation, and approved by the Secretary of the Interior on May 20, 1903; that at the time of said marriage both persons above mentioned were residents in good faith of the Choctaw Nation and lived together as husband and wife for about three years, when they separated; that subsequently they were divorced, and on March 14, 1901, the applicant herein was married to Mary F. Messick (formerly Nail) a white woman having no rights of Choctaw citizenship by blood. It further appears that the applicant herein was a resident in good faith of the Choctaw Nation from the date of his marriage, on July 15, 1896, up to and including September 25, 1902.

It further appears from the records of the Commission that on September 9, 1896, in the case entitled "A. C. Messick vs. Choctaw Nation" (1896 Choctaw Citizenship Docket, case number 1325), A. C. Messick made application to the Commission, under the provisions of the act of Congress approved June 10, 1896 (29 Stat.,321), for admission to citizenship in the Choctaw Nation by reason of his marriage to the said Jane Messick (formerly Gouger) and on December 8, 1896, was admitted by the Commission to citizenship in the Choctaw Nation, from which decision no appeal was taken.

It is, therefore, the opinion of this Commission that following the ruling of the Department in the case of Thornton D. Pearce (I.T.D. 4060-1904), relative to the question of forfeiture, Arthur C. Messick should be enrolled as a citizen by intermarriage of the Choctaw Nation, in accordance with the provisions of the acts of Congress approved June 28, 1898 (30 Stat., 495) and July 1, 1902 (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

OCT 15 1904

7-D-471.

Muskogee, Indian Territory, October 15, 1904.

COPY

Arthur C. Messick,

Caney, Indian Territory.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered October 15, 1904, granting your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling you as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, your name will be placed upon the final rolls of the citizens of the Choctaw nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Tams Bixby

Chairman.

Registered.

Encl. 7-D-471.

7-D-471.

COPY

Muskogee, Indian Territory, October 15, 1904.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of this Commission, rendered October 15, 1904, granting the application for the enrollment of Arthur C. Messick as a citizen by intermarriage of the Choctaw Nation.

You are hereby notified that you will be allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizens of the Choctaw Nation. If at the expiration of said time no protest has been filed, his name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Tams Bixby.

Chairman.

Registered. Ret registry receipt.
Encl. 7-D-471, see 7-D-15.

Muskogee, Indian Territory, October 18, 1904.

COPY.

J. G. Wells,
Attorney-at-Law,
Atoka, Indian Territory.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on October 15, 1904, rendered its decision granting the application of Arthur C. Messick for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and are been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said Arthur C. Messick as a citizen of the Choctaw Nation. If at the expiration of said time no protest has been filed, his name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Tams Bixby.

Register. Chairman.

Muscogee, Indian Territory,
August 18th, 1900.

Arthur C. Messick,

Caney, Indian Territory,

Dear Sir:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs McKennon, Mansfield McMurray, & Cornish, has filed with this Commission a notice of protest to your enrollment as a citizen of the Choctaw Nation.

The Commission, commencing December 3rd, 1900, will hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Acting Chairman.

7-D-471.

Muskogee, Indian Territory, January [illegible], 1900.

A. C. Rossiek,

Pontotoc, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the 19th instant enclosing the affidavit of John A. Secor, offered by you for filing in the matter of your application for enrollment as a citizen of the Choctaw Nation.

The same is returned to you herewith for the reason that an opportunity was given you at Atoka, Indian Territory, from December 3rd to 12th, 1900, inclusive, to offer any additional testimony that you might desire in support of your application for enrollment as a citizen of the Choctaw Nation.

The Commission cannot now accept written evidence as to your rights to enrollment but will at any time hear the evidence of any witnesses you may desire to present before the Commission, proper notice of the taking of such testimony to be given to the attorneys for the Choctaw and Chickasaw Nations. Such testimony will be heard at the office of the Commission in Muskogee, Indian Territory.

Yours truly,

Acting Chairman.

W-D-471

Enc as

Muskogee, Indian Territory, February 6, 1901.

Arthur C. Messick,

Pentotoc, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the 30th of January replying to the Commission's letter of the 23rd of that month relative to the returning of the affidavit of John A. Secor offered by you for filing in the matter of your application for enrollment as an intermarried citizen of the Choctaw Nation.

You state in your letter of the 30th of January that it will be impossible for you to appear before the Commission at its office in Muskogee to offer any additional testimony in support of your application.

The Commission's letter of January 23rd, enclosed in your letter is returned to you herewith.

Yours truly,

Acting Chairman.

Enc y

7-D-471

Muskogee, Indian Territory, April 13, 1901.

Mr. Arthur C. Messick,

Pontotoc, Indian Territory,

Dear Sir:-

Receipt is hereby acknowledged of your letter of the 5th inst., enclosing certificate of marriage between Arthur C. Messick, of Pontotoc, and Mrs. Mollie F. Nail, of Savannah, dated March 16, 1901, and the same has been filed with the papers in your case.

Yours truly,

Acting Chairman.

7-D-471

Muskogee, Indian Territory, May 3, 1901.

J. G. Wells,
Attorney at Law,
Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 30th ultimo in which you state that you desire to prepare a brief in the case of A. C. Hennick vs the Choctaw nation and wish to be furnished with a copy of the record in the case.

In accordance with your request there is enclosed you herewith a copy of all the testimony that has been taken in the matter of the application of Mr. Hennick for enrollment as an intermarried citizen of the Choctaw nation. Please acknowledge receipt.

Yours truly,

Acting Chairman.

7-D-471

Enc 1

Choctaw D 471

Muskogee, Indian Territory, December 17,1903.

Arthur C. Messick,

Atoka, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of December 13, asking the status of your enrollment in the Choctaw Nation.

In reply to your letter you are advised that the Commission has not yet passed upon the application made by you for enrollment as an intermarried citizen of the Choctaw Nation. As soon as a decision is reached you will be notified of the action taken therein.

Respectfully,

Chairman.

Choctaw D 471

Muskogee, Indian Territory, February 11, 1904.

Arthur C. Messick,

Caney, Indian Territory,

Dear Sir:

You are hereby advised that under direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Choctaw and Chickasaw Nations dated January 23, 1904, no further action will be taken relative to your enrollment as an intermarried citizen of the Choctaw Nation until the Commission is further instructed by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

Choctaw D 471

Muskogee, Indian Territory, March 14, 1904.

J. G. Ralls,

Attorney at Law,

Atoka, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of February 20, 1904, to the Secretary of the Interior, which has been by him referred to the Commission for consideration and appropriate action. Therein you request that you be furnished a copy of the protest filed by the attorneys for the Choctaw and Chickasaw Nations against the enrollment of Arthur C. Messick as a citizen by intermarriage of the Choctaw Nation.

In accordance with your request there is inclosed you herewith a copy of the request of the attorneys for the Choctaw and Chickasaw Nations for postponement of action in the matter of the application for enrollment of Arthur C. Messick as an intermarried citizen of the Choctaw Nation, filed with this Commission February 6, 1904.

Respectfully,

AB 3-14

Commissioner in Charge.

Choctaw D 471

Muskogee, Indian Territory, August 6, 1904.

Honorable Green McCurtain,
Principal Chief,
Kinta, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of August 2, inclosing communication from Arthur C. Messick, of Atoka, Indian Territory, relative to his citizenship, and asking to be advised the status of this case.

In reply to your letter you are advised thatthe Commission has not yet passed upon the application of Arthur C. Messick for enrollment as an intermarried citizen of the Choctaw Nation, but is taking up, as rapidly as practicable, for consideration and determination, all applications for enrollment in the Choctaw and Chickasaw Nations, and as soon as a decision is reached in this case the applicant will be notified of the action taken.

The communication of Arthur C. Messick is herewith returned you.

Respectfully,

AB 3-6

Commissioner in Charge.

7-5835

Muskogee, Indian Territory, December 15, 1906.

A. C. Messick,

Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of December 7, 1906, stating that you are an intermarried citizen of the Choctaw Nation and ask if your children by Mary F. Messick an intermarried citizen are entitled to enrollment.

In reply to your letter you are advised that you do not state the names of the children to whom you refer, but you are informed that under the act of Congress approved June 21, 1906, it is believed that white children of intermarried citizens of the Choctaw and Chickasaw Nations are not entitled to enrollment.

Respectfully,

Commissioner.

7-5835.

Muskogee, Oklahoma, January 31, 1908.

Mr. Arthur C. Messick,

Atoka, Oklahoma.

Sir:

There is enclosed you herewith marriage certificate between yourself and your wife, Mrs. Mattie F. Nail, a copy of which has been made and retained with the records of this office.

Respectfully,

(LGG 31-3) Commissioner.

MEMORANDA.

(Date) Sept 8 1899.

Name Arthur C. Messick

Choctaw? yes County Blue Year 96 No. 14830

Chickasaw? County Year Page 394

Citizen by blood? Mother's citizenship Ind

Intermarried citizen? yes

Married under what law?

License filed this day,

Wife's name,

Choctaw? County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day

Names of children:

	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.

Enrolled Choctaw Card No 1332
as A C. Messick
as to marriage & affiliation
per testimony of A. Jeff

5471

Choc 5836

John Fronterhouse

Trans from Choc #D-415

Oct. 31, 1904

5836

In the matter of the application for the enrollment of John Fronterhouse as a citizen by intermarriage of the Choctaw Nation.

7-D-415.

Commission to the Five Civilized Tribes,

Atoka, Indian Territory.

In the enrollment of John Fronterhouse as an intermarried Choctaw; being sworn and examined by Com'r McKennon he testifies:

Q What is your name? A John Fronterhouse.

Q How old are you? A Forty-five.

Q You claim to have intermarried with a Choctaw the first time, what was her name? A Susan Folsom.

Q She was a Choctaw citizen? A Yes sir.

Q Did you obtain a license under the Choctaw law at that time?

A Yes sir.

Q Who issued that license? A Adam Clark.

He was county clerk at the time, of Atoka County.

Q You were married under that license to her? A Yes sir.

Q Did you live with her until her death? A Yes sir.

Q When did she die? A Two years ago last February.

Q When were you married to her? A 4th day of July, 1877.

Q What became of that license? A I was gone from home and had it in a trunk in my house and a fellow broke into my house and stole my pocket book and the license was in it.

Q You don't know whether it was recorded or not? A No sir. I paid the preacher to record them in Atoka County.

Q By Choc. Com'r Lewis: Did the county Judge or the Clerk issue the license? A The Clerk.

Q Did the county judge sign them? A I think so.

Q He was County Judge then instead of county Clerk,- Clark was?

A I took him to be a clerk.

Q Com'r McKennon: You have since married another Choctaw woman?

A Yes sir.

Q You haven't married a white woman since? A No sir.

John Fronterhouse #2)

Q You were married to her by a Minister of the Gospel?

A Yes sir.

William T. Clay being sworn and examined testifies:

Q What is your name? A William T. Clay.

Q How old are you? A Forty-nine.

Q Did you know John Fronterhous e? A Yes sir.

Q Did you know his first wife Susan Folsom? A Yes sir.

Q She was a Choctaw citizen? A I suppose so, she looked like an Indian; that is my understanding.

Q He is a white man? A Yes sir.

Q Did you know anything about their marriage? A Yes sir.

Q What? A I paid Clark for the license; he was working for me at the time, I was a tie contractor on the M.K.& T., and I had a ~~xxxx~~ comissary at Mrs. Folsom's Spring, and I paid Mr.Clark for the license.

Q Do you know what Clark was? A My understanding was he was either a County Judge or Clerk, I couldn't say ~~xxxx~~ which.

Q You paid for the license for Mr. Fronterhouse? A Yessir.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify upon my official oath as stenographer to the above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

M D Green

CHOCTAW NATION, I
ATOKA COUNTY. I

I, ROBERT W. HARRISON, do hereby certify that I am the duly qualified and acting County Clerk, for Atoka County, Choctaw Nation, and as such Clerk, I am the legal custodian of and am in actual possession of the records of the County Court and the records of marriages, and that there is no record book in my office, showing marriages prior to the 14th day of Nov., 1886.

I further certify that I am not related to John Fronterhouse, and have no interest in the prosecution of his claim.

In Witness whereof I have hereunto set my hand, and affixed my official seal, at my office in the Town of Lehigh, in Atoka County, Choctaw Nation, on this the second day of April, 1902.

R W Harrison
Clerk, Atoka County, Choctaw Nation.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
APR 11 1902

ACTING CHAIRMAN.

7-0-415

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Choctaw D-416.

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 3, 1902.

John Fronterhouse,

Antlers, Indian Territory.

You are hereby notified that the application of yourself for enrollment as a citizen of the Choctaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 11th day of April, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

Register.

T. B. Needles.

Commissioner in Charge.

Department of the Interior.

Commission to the Five Civilized Tribes.

In the matter of the application of John Fronterhouse for enrollment as an intermarried citizen of the Choctaw Nation. ---D 415---

On the third day of March, 1902, the applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were notified by registered mail, that the application of John Fronterhouse for enrollment as a citizen of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 11th day of April, 1902, for final consideration.

Now, on this 11th day of April, 1902, this cause coming on to be heard pursuant to said notice, the Choctaw Nation failed to appear, and the applicant appeared by his attorney, J. G. Ralls, and offered in evidence a certificate of Robert W. Harrison, Clerk of Atoka County, Choctaw Nation, dated the 2nd day of April, 1902, to the effect that there is no record book in his office showing marriages prior to the 14th day of November, 1886.

By the Commission:

This case will be considered by the Commission upon the evidence and record as now made up.

-----o-----

Harry C Risteen, being first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 11th day of April ,1902,and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Harry Risteen

Subscribed and sworn to before me this 12th day of April,1902.

Clara Mitchellwood

Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Antlers, I.T. Dec. 4, 1902.

7-D415

In the matter of the application of John Fronterhouse for enrollment as an intermarried citizen of the Choctaw Nation.

John Fronterhouse being sworn testified as follows:

Examination by the Commissi on:

Q What is your name? A John Fronterhouse.
Q How old are you? A Forty seven years old.
Q What is your post office address? A Antlers.
Q How long have you been a resident of the Choctaw Nation? A Ever s since '77.
Q Have you lived here continuously since 1877? A Yes sir.
Q never made your home anywhere else during that time? A No sir.
Q Do you claim inter marriedrights in the Choctaw Nation? AYes sir
Q what is the name of your Choctaw wife through whom you claim these rights? A Susan Folsom it was.
Q was she a recognized and enrolled citizen of the Choctaw Nation? A Yes sir, both tribes.
Q Were her rights to enrollment ever questioned? A Nosir; never were disputed.
Q When were you married to Susan Folsom? A In '77.
Q Where was this marriage ceremony performed? A Eight miles South of Atoka at her home.
Q At that time were both you and your wife bona fide residents of the Choctaw Nation? A Yes sir.
Q Were you married in accordance with the Choctaw tribal law?
A Yessir.
Q Did you obtain a marriage license? A I did for one but I had it st olen from me.
Q From whom did you get that li cense? A Judge Adam Clark.
Q Judge of what County? A Atoka.
Q How much did you pay for that license? A $25/00
Q Who performedthe marriage ceremony? A Harris Franklin.
Q Was he a minister? A He was.
Q Were you ever married before your marriage to Susan Folsom?
A No sir.
Q Was she eve married before her marriage to you? A No sir.
Q How long did you live with her after this marriage? A About 20 years.
Q Did you live with her continuously until she died? AYes sir.
Q there was no separation during that time whatsoever? A None at all
Q what was the date of her death? A In February-- I don't know as I can tell. The 2nd day of February about 6 years ago.
Q After her death did you re-marry? AYes sir.
Q What was the name of your second wife? A Eliza Ann Jefferson.
Q Was she a Choctaw Indian? A Yes sir.
Q Where did you marry her? A Ab-out here four miles from this town.
Q Who married you? A One of the Coles; I forget his given name.
Q Was he a minister? A Yes sir.
Q Were you married to her under a license? A No sir.
Q How long did you live with E.A.Jefferson? A Thirteen months.
Q Did she die or did you separate? A She died.

Q You lived with her continuously up to the time she died? A Yes sir.
Q What was the date of her death? A Threeyears ago the 9th of March
Q Sinc e her death have you re-married? A Yes sir.
Q What is the name of your third wife? A Lavina Smith.
Q Is she a white woman? A Yes sir.
Q When were you married to her? A February 13 will be two years.
Q Are you still living with her? AYes sir.
Q Where were you married to her? A At -- out here at Pleasant Cove; where she was teaching school.
Q Are you at present an actual and bona fide resident of the Choctaw Nation? AYes sir.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on December 4, 1902, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this 19th day of December 1902.

Charles H. Sawyer

Notary Public.

LPB
DDW

7-D-415.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of John Fronterhouse as a citizen by intermarriage of the Choctaw Nation.

--: D E C I S I O N :--

It appears from the record herein that on July 4, 1877, the applicant, John Fronterhouse, was married in accordance with the laws, customs and usages of the Choctaw Nation, to Susan Fronterhouse (nee Folsom), a recognized and enrolled citizen by blood of the Choctaw Nation, who is identified upon the 1893 Choctaw Leased District Pay Roll, Atoka County, page 27, number 275; that at the time of said marriage both persons above mentioned were residents in good faith of the Choctaw Nation, and lived together continuously as husband and wife from the date of said marriage until the death of the said Susan Fronterhouse, February 2, 1897; that thereafter the applicant was married to Eliza Ann Jefferson, an alleged Choctaw woman, and after her death to Lavina Smith, a white woman having no rights of Choctaw citizenship by blood. It further appears that the applicant had been a resident in good faith of the Choctaw Nation from the date of his said marriage to Susan Fronterhouse up to and including September 25,1902.

Upon an examination of the tribal rolls in the possession of the Commission the applicant is identified upon the 1896 Choctaw Census Roll, number 14543, enrolled thereon as a citizen by intermarriage of the Choctaw Nation.

It is, therefore, the opinion of this Commission that following the ruling of the Department in the case of Thornton D. Pearce (I.T.D. 4060-1904), relative to the question of for-

feiture, John Fronterhouse should be enrolled as a citizen by intermarriage of the Choctaw Nation, in accordance with the provisions of the acts of Congress approved June 28, 1898 (30 Stat., 495) and July 1, 1902 (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

C. R. Breckinridge.
Commissioner.

Muskogee, Indian Territory,

OCT 15 1904

7-D-418.

Muskogee, Indian Territory, October 15, 1904.

COPY.

John Fronterhouse,

Antlers, Indian Territory.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered October 15, 1904, granting your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling you as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, your name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Tams Bixby.

Chairman.

Registered.

Encl. 7-D-418.

7-D-415.

Muskogee, Indian Territory, October 15, 1904.

COPY.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of this Commission, rendered October 15, 1904, granting the application for the enrollment of John Fronterhouse as a citizen by intermarriage of the Choctaw Nation.

You are hereby notified that you will be allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If at the expiration of said time no protest has been filed, his name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Tams Bixby.

Chairman

Registered.
Encl. 7-D-415.

For registry receipt see 7-D-15.

7-D-415.

COPY.

Muskogee, Indian Territory, October 15, 1904.

J. G. Ralls,

Attorney-at-Law,

Atoka, Indian Territory.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on October 15, 1904, rendered its decision granting the application of John Fronterhouse for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw nations have been furnished a copy of this decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said John Fronterhouse as a citizen of the Choctaw Nation. If at the expiration of said time no protest has been filed, his name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Tams Bixby

Registered.

Chairman.

Choctaw D-415.

Muskogee, Indian Territory, July 25, 1904.

J. G. Ralls,

Attorney at Law,

Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of July 21, in which you state that John Fronterhouse, who is an applicant for enrollment as an intermarried citizen of the Choctaw Nation, now lives near Atoka, and if there is anything further necessary in his case, he desires to appear before the Commission at its session at Atoka, September 6th and 7th, 1904.

In reply to your letter, you are informed that if further evidence is necessary to enable the Commission to pass upon the application of John Fronterhouse for enrollment as an intermarried citizen of the Choctaw Nation, he will be notified in order that he may appear before the Commission at Atoka, Indian Territory, September 6th and 7th, 1904.

Respectfully,

Commissioner in Charge.

4P 028

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. FERGUSON,
C. R. BRECKINRIDGE.

WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Choctaw 5686

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, November 26, 1904.

John Fronterhouse,

Antlers, Indian Territory,

Dear Sir:

You are hereby notified that your enrollment as an intermarried citizen of the Choctaw Nation was approved by the Secretary of the Interior November 16, 1904.

Respectfully,

Commissioner in Charge.

7-5836

Muskogee, Indian Territory, October 20, 1906.

John Fronterhouse,

Lewis, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of October 16, 1906, stating that you are an intermarried citizen; that you have been married to two Choctaw women one of whom died in 1896 and the other in 1900; that you have now married a white woman and have two children who both lived a year and are now deceased and you ask if allotments can be selected for your deceased wives and if your present wife and children can be enrolled as citizens.

In reply to your letter you are advised that John Fronterhouse has been enrolled as an intermarried citizen of the Choctaw Nation and his enrollment as such has been approved by the Secretary of the Interior. It does not appear, however, that any application has been made for the enrollment of his wife and his children as citizens of the Choctaw Nation and you are informed that under the ruling of the Department in the Choctaw enrollment case of Emma McMenamin he would not be entitled to enrollment as an intermarried citizen of the Choctaw Nation by reason of marriage to an inter-

J. F. #2

married citizen of said nation.

Relative to the selection of allotments for your deceased wives you are advised that the Act of Congress approved July 1, 1902, provided that only those persons who were living September 25, 1902, the date of the ratification of said act, are entitled to enrollment and allotment.

Respectfully,

Commissioner.

Choc 5837
Alice Pitts

Trans from Choc # D-500

Oct. 31, 1904

In the matter of the application for the enrollment of Alice Pitts as a citizen by intermarriage of the Choctaw Nation.

7-D-500.

Commission to the Five Civilized Tribes,

South Canadian, Indian Ter.

In the enrollment of Alice Pitts as an intermarried Choctaw; being sworn and examined by Com'r McKennon she states:

Q What is your name? A Alice Pitts.

Q How old are you? A Forty-one.

Q You were married to a Choctaw citizen once? A Yes sir.

Q What was his name? A George Monorief.

Q He was a Choctaw citizen? A Yes sir.

Q You present here a certificate of marriage to him? A Yessir

Q Did you live with him until his death? A Yes sir.

Q Since that time you have married a white man? A Yes sir.

Q He was a non-citizen? A Yes sir.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

M D Owens

Department of the Interior.
Commission to the Five Civilized Tribes.
South McAlester, I. T., December 23rd, 1902.

Choctaw D-500
Intermarried

---------oOo---------

In the matter of the application of Alice Pitts for enrollment as an intermarried citizen of the Choctaw Nation.

Alice Pitts being first duly sworn testified as follows:

Examination by the Commission.

Q What is your name? A Alice Pitts.
Q How old are you? A Forty-five years old.
Q What is your post office address? A Canadian.
Q How long have you lived in the Choctaw Nation? A I have been in the Choctaw Nation twenty-five years.
Q Have you maintained a continuous residence here for the past twenty-five years? A Yes sir.
Q Never have made your home elsewhere? A No sir.
Q Where were you born? A Born in Louisiana.
Q Born a citizen of the United States? A Yes sir.
Q You are a white woman? AA Yes sir.
Q Making application to be enrolled as a citizen by intermarriage of the Choctaw Nation? A Yes sir.
Q What is the name of your Choctaw husband? A George Washington Moncrief.
Q Is he a recognized citizen by blood of the Choctaw Nation? A Yes sir.
Q When were you married to him? A I was married to him twenty - I forget what date it was; twenty-four years ago the 19th of last December.
Q Had you ever been married before you married to George Moncrief?
A No sir.
Q Had he ever been married prior to his marriage to you? A Yes sir
Q How many times? A One time.
Q Was his former wife dead when he married you? A Yes sir, been dead two years.
Q Where were you married? A Old McAlester.
Q Who married you? A Mr. Trenchard, Baptist minister.
Q Have you got a certificate to that marriage? A The Dawes Commission taken my certificate when I enrolled aat South Canadian and they told me they would send it back to me and they didn't do it.
Q How long did you live with George Moncrief after your marriage to him? A I lived with him over five years, from the 19th of December until the 15th of January--until he died.
Q Lived with him continuously up to the time of his death? A Yes sir.

Q Was you ever separated or divorced from him during his lifetime?
A No sir.
Q Have you since the death of your Choctaw husband remarried?
A Yes sir, married a white man.
Q Who? A J. G. Pitts.
Q When did you marry him? A I forget the date; Seventeen years ago the 31st of this coming January.
Q Are you still living with him? A Yes sir.
Q Lived in the Choctaw Nation continuously all that time? A Yes sir, I now live on the old home place that my first husband, George Moncrief, lived on when me and him was first married.
Q Have you got any children by George Moncrief? A Yes sir, that son of mine that was standing here.

- - - - - - - - - - -

Albert G. McMillan being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 23rd day of December, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert G. McMillan

Subscribed and sworn to before me this 10 day of February, 1903.

Charles H. Sawyer

Notary Public.

Marriage Certificate

To whom it may concern:-

This is to certify that I did on 19th day of Dec. 1878 at my residence in McAlester Choctaw Nation, Indian Territory, unite in marriage Mr George Moncrief and Miss Allie I. McDougal according to the laws and customs of the Choctaw Nation Given under my hand and official signature this 19th day of Dec 1878

J. N. Henchard
Minister of the Gospel
& Missionary of American Baptist
Home Mission Society. New York
city-

RRS
DBD

7-D-500.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Alice Pitts as a citizen by intermarriage of the Choctaw Nation.

--:--

D E C I S I O N.

It appears from the record herein that on December 19, 1878, the applicant, Alice Pitts, was lawfully married to George Washington Moncrief, a recognized citizen by blood of the Choctaw Nation, the name of whose child, George Moncrief, by said marriage, appears as number 13235 upon the lists prepared by this Commission under the Act of Congress approved July 1, 1902 (32 Stat., 641), of persons entitled to enrollment as citizens by blood of the Choctaw Nation, and approved by the Secretary of the Interior, March 19, 1903; that at the time of said marriage both persons first above mentioned were residents in good faith of the Choctaw Nation, and lived together as husband and wife continuously from the date of said marriage until the death of the said George Washington Moncrief, January 15, 1883; that thereafter the applicant was married to J. G. Pitts a non-citizen white man. The applicant had been a resident in good faith of the Choctaw Nation from the date of her said marriage to George Washington Moncrief up to and including September 25, 1902.

It is, therefore, the opinion of this Commission that following the ruling of the Department in the case of Thornton D. Pearce (I. T. D. 4060-1904), relative to the question of forfeiture Alice Pitts should be enrolled as a citizen by intermarriage of

the Choctaw Nation, in accordance with the provisions of the Acts of Congress approved June 28, 1898 (30 Stat., 495) and July 1, 1902 (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

OCT 15 1904

7-D-500

Muskogee, Indian Territory, October 15, 1904.

Alice Pitts,

South Canadian, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered October 15, 1904, granting your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling you as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, your name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Chairman.

Registered.

Incl. 7-D-500.

7-D-500.

Muskogee, Indian Territory, October 15, 1904.

COPY.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of this Commission, rendered October 15, 1904, granting the application of Alice Pitts for enrollment as a citizen by intermarriage of the Choctaw Nation.

You are hereby notified that you will be allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If at the expiration of said time no protest has been filed, this name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED) Tams Bixby.

Chairman.

Registered.

Incl.7-D-500.

For registry receipt in this case see Choctaw 57

Affidavit of E. G. Horn

E. G. Horn being duly sworn say I was present and saw J. L. Pitts register two affidavits one affidavit of Mr. Alice J. Pitts and the other J. G. Poole also copy of Marriage Certificate to the Hon Green Mc Curtain Principal Chief of Choctaw Nation same was registered at the Post Office at South Canadian Indian Territory.

Signed E. G. Horn

Subscribed and sworn to before me this 19th day of Aug 1897

G. D. Martin
Notary Public

Copy of Marriage Certificate

To whom it may concern.

This is to Certify that I did on the 19th day of Dec 1878 at my Residence in Mc Alester Choctaw Nation Indian Territory Unite in Marriage Mr. George Moncrief and Miss Allied McDougal according to the laws and Customs of said Choctaw Nation.

Given under my hand and official signature this 19th day of Dec 1878

J A Trenchard
Minister of the Gospel &
Missionary of American Baptist
Home Mission society New York City

I Certify that the above is a true Copy of Marriage Certificate of George Moncrief and Allied McDougal dated Dec 19th 1878.

Witness my official signature this 12th day of Aug 1879

L M Norton
Notary Public

Affidavit of Mrs Alice J Pitts

Mrs Alice J Pitts being duly sworn states that I was the Lawful Wife of George Mercier a citizen of the Choctaw Nation by Law now deceased that I was legally Married at McAlester on the 19th day of Dec 1878 and since the death of my former Husband I married my present Husband J. Pitts who is a citizen of the United States and according to the late decision of the Hon Judge U. S. D. C. Clayton I am entitled to be placed on the Roll of the Choctaw Nation as other citizens and for which I earnestly pray I have a son living with me now that was born to me by my former Husband whose name is now on the regular Choctaw Rolls and who has allways been recognized as a citizen for having land in cultivation and has allways drawn Money as other Indians respectfully submitted

Sigmd

Alice J Pitts

Over

Subscribed and sworn to before me this 12th day of August 1897

F. P. Martin
Notary Public

Family record of Mrs J. G. Pitts

J. G. Pitts	age 66	Sex Male
Alice J. Pitts	" 39	" Female
George W. Monroe	" 17	" Male
Elbert L. Pitts	" 10	" Male
Bertha L. Pitts	" 9	" Female
Lola B. Pitts	" 7	" "
Troy O. Pitts	" 3	" Male

The above are my Husband and Children

Alice J. Pitts

Affidavit of J. J. Toole

J. J. Toole being duly sworn
deposes and says that he
was personally acquainted with
Eliza Moncrief a Citizen of the
Choctaw Nation by Blood now deceased
I am also personally acquainted
with Mrs Allie J. Pitts widow of
George Moncrief who is the applicant
in this case I also know her
son George W. Moncrief who have
always been recognized as a
Citizen of the Choctaw Nation and
has been
says drawn
and receives
the Indians

J. J. Toole

REGISTRY RECEIPT.

Post Office at So Canadian I.T.

Registered Letter / Parcel No. 23 Rec'd 8/19 1897

of Mrs Allie Pitts

addressed to Grum McClenahan
Lane Bois
Saleche P. M.

me to before
me this 12th day of August 1897

W. W. Norton
Notary Public

Affidavit of J. J. Toole

J. J. Toole being duly sworn
I depose and says that I
was personally acquainted with
George Moncrief a Citizen of the
Choctaw Nation by Blood now deceased
I am also personally acquainted
with Mrs Allice A. Pitts widow of
George Moncrief who is the applicant
in this case & also know her
Son George W. Moncrief who have
always been recognized as a
Citizen of the Choctaw Nation and
whose right has never been
disputed he have allways drawn
Money as other Indians and exercises
all the rights that other Indians
has of said Nation

Signed J J Toole

Subscribed and sworn to before
me this 12th day of August 1897

C. F. Newton
Notary Public

Muscogee, Indian Territory,
August 18th, 1900.

Alice Pitts,

South Canadian, Indian Territory,

Dear Madam:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs McKennon, Mansfield Mcmurray, & Cornish, has filed with this Commission a notice of protest to your enrollment as a citizen of the C hoctaw Nation.

The Commission, commencing December 3rd, 1900, will hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yourstruly,

Acting Chairman.

7-D-500.

Muskogee, Indian Territory, September 13, 1900.

Alice Pitts,

South Canadian, Indian Territory.

Dear Madam:-

Since notifying you on August 18, 1900, of the protest filed by the Choctaw Nation to your enrollment as a citizen of the Choctaw Nation, the Commission has been furnished by the Nation with the grounds upon which objection is made to your enrollment. The protest against you is, that you have married out of the Nation.

The Commission is in possession of a sufficient statement of facts upon which a decision may be rendered and in your case it will not be necessary for you to appear at the appointment at Atoka beginning December 3rd, 1900.

The Commission will accept and consider any written arguments on questions of law submitted on behalf of the Choctaw Nation at any time prior to February 1st, 1901, and on your behalf at any time prior to March 1st, 1901.

As soon thereafter as practicable the Commission will consider and finally determine your right to enrollment and the decision of the Commission, stating fully, its reasons for any action that may be taken, will be mailed to you.

Yours truly,

Acting Chairman.

7-D-500

Choctaw D 500

Muskogee, Indian Territory, May 9, 1904.

George Moncrief,

Canadian, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of May 4, asking if your mother, Mrs. Alice Pitts, has been approved as an intermarried Choctaw, and if not, when her enrollment will be approved.

In reply to your letter you are advised that the Commission has not yet passed upon the application of Alice Pitts for enrollment as an intermarried citizen of the Choctaw Nation, and it is impracticable at this time to say when this case will be taken up for consideration and determination, but as soon as a decision is reached she will be notified of the action taken therein.

Respectfully,

Chairman.

7-D-500

Muskogee, Indian Territory, October 21, 1904.

Alice Pitts,

Canadian, Indian Territory.

Dear Madam:-

Receipt is hereby acknowledged of your letter of the 15th instant, requesting to be advised relative to the status of your application for enrollment as an intermarried citizen of the Choctaw Nation.

You are advised that on October 15, 1904, the Commission rendered its decision granting your application for enrollment as an intermarried citizen of the Choctaw Nation, and a copy of said decision was forwarded to you at South Canadian, Indian Territory on said date.

Respectfully,

Chairman.

MEMORANDA.

Potawatomi

(Date) Sept 14 1899.

Name .....

Choctaw? ..... County ..... Year ..... No. .....

Chickasaw? ..... County ..... Year ..... Page .....

Citizen by blood? ..... Mother's citizenship .....

Intermarried citizen? .....

Married under what law? .....

License filed this day, ...

Wife's name, Alice Pitts

Choctaw? yes County ..... Year ..... No. .....

Chickasaw? ..... County ..... Year ..... Page .....

Citizen by blood? ..... Mother's citizenship US

Intermarried citizen? yes

Married under what law? .....

License filed this day certif

Names of children:

.....	County	Year	Page	No. .....
.....	County	Year	Page	No. .....
.....	County	Year	Page	No. .....
.....	County	Year	Page	No. .....
.....	County	Year	Page	No. .....
.....	County	Year	Page	No. .....
.....	County	Year	Page	No. .....
.....	County	Year	Page	No. .....
.....	County	Year	Page	No. .....
.....	County	Year	Page	No. .....

as to marriage and her testimony

A SOC

Choc 5838

Mary A. Young

Trans from Choc #D-382

Oct. 31, 1904

In the matter of the application for the enrollment of Mary A. Young as a citizen by intermarriage of the Choctaw Nation.

7-D-382.

Commission to the Five Civilized Tribes,

Atoka, Indian Territory.

In the enrollment of Mary A. S. Perkins as an intermarried Choctaw; being sworn and examined by Com'r McKennon she states:

Q What is your name? A Mary A. S. Perkins.

Q How old are you? A Twenty-one.

Q You were married to John Perkins in 1896? A Yes sir.

Q How long did you live with him? A Two years.

Q Were you separated from him? A Yes sir.

Q Why? A He left me.

Q Did he get a divorce from you? A No sir.

Q Did he die? A No sir.

Q Is he living yet? A Yes sir.

Q Did you get a divorce from him? A No sir.

Q You are still his wife then? A Yes sir.

Q When did you separate from him? A It is going on two years now.

Q Do you know where he is? A He is at Caney Switch I think, or in the Chickasaw Nation one.

Q Do you know the reason why he left you? A No sir, I don't know the reason; because he wanted to I reckon.

Q You haven't married again? A No sir.

Q Have you had any notice of his making any application for any divorce? A No sir.

Q You never heard of him getting a divorce or trying it? A No sir.

Q (By Choc.Com.Clk A.Telle: That is John Perkins- is he Nat Perkins'son? A Yes sir.

Department of the Interior,
Commission to the Five Civilized Tribes.
I hereby certify upon my official oath as stenographer to the above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.
M. D. Green

Commission to the Five Civilized Tribes,

Atoka, I. T., Dec. 6th, 1899.

In the enrollment of Mary S. Perkins as an intermarried Choctaw; John Perkins being sworn and examined by Com'r McKennon states

Q What is your name? A John Perkins.

Q How old are you? A About twenty-three.

Q Was Mary S. Perkins your wife? A Yes sir.

Q Is she living with you now? A No sir, we parted.

Q How long since you parted? A About two years.

Q What caused the separation? A She just left me.

Q You know why? A No sir.

Q Is she living with anybody else? A No sir.

Q You don't know why she did leave you? A No sir.

Q How long had she lived with you? A Not quite a year.

Q Did she have any child by you? A No sir.

Q She is a white woman? A Yes sir.

Q Do you know where she is now? A Yes sir, she lives on Mr. Peter Maytubby's place.

Examined by A.Telle:

Q Who was your father? A Nathaniel A. Perkins.

Q What's your father's family's name? A His wife is named Louisa.

Q What's his oldest child, besides you, by this wife? A Joe.

Q What is the next child? A John.

Q The next one? A That's all.

Q Alice Perkins was put on a card with him, but that is Henry's child ain't it? A Yes sir.

(Here Telle states that if the Commission did right in enrolling Melissa Belvin as a Chickasaw this child, Alice Perkins, aught to go on the Chickasaw roll. Maytubby states that he thinks he will be able to prove by witnesses that Melissa Belvin is not a Chickasaw.)

Mary S. Perkins- John Perkins witness- #2)

Examined by A.Telle:

Q Who is Julia Perkins? A She is a Chickasaw.

(She is on Chickasaw card,"D")

Sometimes they call her Perkins, and sometimes Fillmore. She has a brother who always goes by the name of Ben Fillmore.

(Ben Fillmore and Julia Perkins are on the same card, and it is determined by the Commission to change Julia's name to Fillmore on said card.)

---- ----

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

M. D. Green

Know all men
by these Present
that this is to
Certify that I the unders-
igned have Solemnized the
Rights of Matrimony
between John Perkins
and Margaret Barnard
Wallerhide according to
the Schedule Laws
of the Town Tuhoma
This April 24 - 76
my Credential is
Recorded in Book B Page 13

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:
Choctaw D-382.

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 1, 1902.

Mary A. Perkins,

Boggy Depot, Indian Territory.

You are hereby notified that the application of yourself for enrollment as a citizen of the Choctaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 10th day of April, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

Register.

T. B. Needles.

Commissioner in Charge.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, April 10, 1902.

In the matter of the application of Mary A. Perkins for enrollment as a citizen by intermarriage of the Choctaw Nation.	D-382.

On the 1st day of March, 1902, the applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were also notified by registered mail that the application of Mary A. Perkins for enrollment as a citizen of the Choctaw Nation would be taken up for final consideration by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 10th day of April, 1902.

Now on this 10th day of April, 1902, this cause coming on to be heard, pursuant to said notice, the Choctaw Nation failed to appear, and the applicant, being called, failed to appear either in person or by attorney.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on April 10, 1902, and that the above and foregoing is a full true and correct transcript of his stenographic notes in said cause on the said day of April, 1902.

Hal Belford

Subscribed and sworn to before me this 11 day of April, 1902.

Hannah Tidwell Wood

Notary Public.

7-D-382.

Department of the Interior,
Commission to the Five Civilized Tribes.
Atoka, Indian Territory,
March 13, 1903.

In the matter of the application of Mary A. Perkins for enrollment as an intermarried citizen of the Choctaw Nation.

Mary A. Perkins being duly sworn testifies as follows:

Examination by the Commission.

Q What is your name? A Mary A. Perkins.
Q How old are you? A I will be 24 the 11th day of next August.
Q What is your post office address? A Caney.
Q What Nation is that in? A Choctaw Nation.
Q How long have you resided in the Choctaw Nation? A Well, I couldn't tell you; I think about eight years though.
Q Have you lived here continuously for the past eight years? A Yes sir.
Q Never made your home anywhere else during that time? A No sir.
Q Are you a white woman? A Yes sir.
Q Do you claim the right to enrollment as an intermarried citizen of the Choctaw Nation? A Yes sir.
Q What is the name of your Choctaw husband through whom you claim this right? A John Perkins, Nat Perkins Son.
Q Is he a recognized and enrolled citizen by blood of the Choctaw Nation? A Yes sir, a full blood.
Q He has always been recog nized as such, has he? A Yes sir.
Q When were you married to this man? A I have forgot when it was.
Q State about the time? A Been about four years since we were married?
Q Where was this marriage ceremony performed? A At Caney.
Q In the Choctaw Nation? A Yes sir.
Q At that time were both you and your husband living in the Choctaw Nation? A Yes sir.
Q Were you ever married before your marriage to him? A No sir.
Q Was he ever married before his marriage to you? A No sir.
Q After him your marriage how long did you live together continuously as husband and wife? A Two year.
Q What happened at the end of that time? A How come us to separate?
Q Did you separate? A Yes sir.
Q Did you leave him? A He left me; left me in the Chickasaw Nation and come and told pa and ma that By God I was up there, and ff they wanted me to come and get me.
Q Where were you living at the time of your separation? A He was living with his father; never did move away from his father.
Q Where was his father living? A In the Chickasaw Nation.
Q You were both living in the Choctaw Nation at the time of your marriage you said? A Yes sir, his father was living down here at Caney at that time, and afterwards moved to the Chickasaw Nation.

Q You went up there with them? A Yes sir.
Q Did you live on his father's place during your married life? A Yes sir, lived with his father.
Q Then this John Perkins went away and left you did he? A Yes sir, he come down here to the Choctaw; my father was living at Caney, and told my father that by God I was up there, and if he wanted me to come and get me.
Q Did your husband leave you on his father's place when he came off to the Choctaw Nation? A Yes sir.
Q Did he give you any reason for leaving you? A Yes sir, he just bemeaned me for every thing in the world that he could think of, and treated me awful mean; his father told him he ought to be ashamed and talked to him, but it wouldn't do no good.
Q Were you divorced from him? A No sir; he went and married since.
Q He marr ed immediately after you were separated? A Yes sir.
Q Was he divorced? A No sir.
Q Has he ever gotten a divorce from you? A No sir, he never did come to me and say divorce or nothing.
Q Did you ever get a divorce from him? A No sir.
Q Have you ever married again? A Yes sir.
Q You married without a divorce from him? A Yes sir, after he married why then I married.
Q When did you remarry? A It has been about a year in April.
Q Who did you marry? A Joe Young.
Q A white man? A Yes sir.
Q He makes no claim to be possessed of any Indian blood? A No sir, dont make no claim at all.
Q In the first part of your examination you stated that your name was Mary A. Perkins, is that correct? A No sir, not now it aint.
Q What is your name? A Mary Young I guess.
Q You are still living with this man Young? A Yes sir, I am still living with him, but we are living at pa's; we never moved away from pa's.
Q Have you lived in the Choc taw-Chickasaw country continuously since your marriage to John Perkins? A Yes sir, we have been living here ever since; I was married to him in the Choctaw Nation.
Q Have you got any children by your first husband, John Perkins? A No sir, I mis-carried once; he was the cause of that.
Q What was your maiden name? A Dollarhide.
Q The Commission hasin its possession a marriage certificate issued by William Fronterhouse to John Perkins and Mary Ann Dollarhide; are you and your first husband the identical persons referred to in that marriage certificate? A Yes sir.
Q This certificate is dated April 24, 1896; you stated a moment ago that you were married about four years ago? A Well, I dont know exactly what time it was.
Q It might have been six years ago, or seven? A I dont think it was seven years ago; I wont be certain because I dont know; I have been in awful bad health since we were separated.

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he re-

corded in full the above proceedings at Atoka, Indian Territory, on the 13th day of March, 1903, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

W H Mosteller

Subscribed and sworn to before me this 30 day of March, 1903.

Charles McSpadden

Notary Public.

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Mary A. Perkins as a citizen by intermarriage of the Choctaw Nation, Choctaw Field No. D-382.

- - - - - - -

We hereby request, on behalf of the Choctaw and Chickasaw Nations, that final decision in this case be postponed until final decison by the Choctaw and Chickasaw Citizenship Court in the case of B. F. Thompson vs. Choctaw and Chickasaw Nations, No. 38 on the South McAlester Docket, in which the said court will decide the question of the validity of that portion of the intermarriage laws of the Choctaw Nation providing for the forfeiture of citizenship of white persons who separate from their Indian spouses, which question is involved in the case to which this communication refers.

This request is filed under authority granted by the Honorable Secretary of the Interior in his communication to the Commission to the Five Civilized Tribes upon the subject, dated November 18, 1903.

Attorneys for the Choctaw & Chickasaw Nations.

January 23, 1904.

Choctaw D-382.

In the matter of the enrollment of Mary A. Perkins as an intermarried citizen of the Choctaw Nation.

PROTEST of
Choctaw and Chickasaw Attorneys

[illegible] CIVILIZED TRIBES
FILED
FEB 6 [illegible]

Chairman.

DCD

7-D-382.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Mary A. Young as a citizen by intermarriage of the Choctaw Nation.

-: D E C I S I O N :-

It appears from the record herein that on April 24, 1896, the applicant, Mary A. Young, was lawfully married to John Perkins, a recognized and enrolled citizen by blood of the Choctaw Nation, whose name appears (as John A. Perkins), as number 15463 upon the lists prepared by this Commission, under the act of Congress approved July 1, 1902 (32 Stat., 641), of persons entitled to enrollment as citizens by blood of the Choctaw Nation and approved by the Secretary of the Interior on May 9, 1904; that at the time of said marriage both persons above mentioned were residents in good faith of the Choctaw Nation, and lived together as husband and wife continuously for about two years and then separated; that thereafter in the year 1902 the applicant was married to Joe Young, a non-citizen white man. The applicant had been a resident in good faith of the Choctaw-Chickasaw country from the date of her said marriage to John Perkins up to and including September 25, 1902.

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of Thornton D. Pearce (I.T.D. 4060-1904), relative to the question of forfeiture, Mary A. Young should be enrolled as a citizen by intermarriage of the Choctaw Nation, in accordance with the provisions of the acts of Congress approved June 28, 1898 (30 Stat., 495), and July 1, 1902 (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
OCT 15 1904

7-D-838.

Muskogee, Indian Territory, October 15, 1904.

Mary A. Young,

Caney, Indian Territory.

COPY.

Dear Madam:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered October 15, 1904, granting the application of Mary A. Young for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling the above named person as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, this name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED Tams Bixby.

Chairman.

Registered.

Incl.7-D-838.

7-D-382.

Muskogee, Indian Territory, October 15, 1904.

COPY.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of this Commission, rendered October 15, 1904, granting the application of Mary A. Young for enrollment as a citizen by intermarriage of the Choctaw Nation.

You are hereby notified that you will be allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If at the expiration of said time no protest has been filed, this name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED Tams Bixby.

Chairman.

Registered.

Incl.7-D-382.

For registry receipt see Choctaw 57

Muscogee, Indian Territory,

August 18th, 1900.

Mary A. Perkins,

Boggy Depot, Indian Territory,

Dear Madam:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs Mc Cammon, Mansfield, Murray, & Cornish, has filed with this Commission a notice of protest to your enrollment as a citizen of the Choctaw Nation.

The Commission, commencing December 3rd, 1900, will hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Acting Chairman.

7-D-38.

Muskogee, Indian Territory, March 26, 1902.

G. D. Drain,

Postmaster,

Boggy Depot, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 22nd instant, in which you state that there is a registered letter in your office addressed to Mary A. Perkins and that you know of no person by that name receiving mail at your office and desire orders for the return of the same.

If as stated in your letter you are unable to deliver the letter addressed to Mary A. Perkins, you are requested to return the same to this Commission.

Yours truly,

Commissioner in Charge.

7-D-862.

Muskogee, Indian Territory, December 22, 1902.

Mary A Perkins,

Caney, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your letter of December 8, in which you state that on account of sickness and high water you did not appear before the Commission at Atoka, and you ask if it will be necessary for you to make personal appearance again in the matter of your enrollment.

In reply to your letter you are advised that it appears from our records that you have been listed as an intermarried citizen of the Choctaw Nation. The Commission is now preparing rolls of the citizens and freedmen of the Choctaw and Chickasaw Nations for submission to the Secretary of the Interior in accordance with the provisions of the act of Congress approved July 1, 1902, and it is necessary to secure the testimony of all intermarried citizens of said nations relative to their status as such intermarried citizens on September 25, 1902, the date of

the final ratification of the act of Congress above referred to.

Respectfully,

Acting Chairman.

Choctaw D-382

Muskogee, Indian Territory, February 26, 1903.

Mary A. Perkins,

Caney, Indian Territory.

Dear Madam:

It is the present intention of the Commission to establish land offices in the Choctaw and Chickasaw Nations April 1, 1903. The Act of Congress approved July 1, 1902, provides:

> "No person whose name does not appear upon the rolls as herein provided shall be entitled in any manner to participate in the distribution of the common property of the Choctaw and Chickasaw tribes."

It will be necessary, before your right to enrollment as an intermarried citizen of the Choctaw Nation can be determined, that you appear before the Commission and testify as to your status on September 25, 1902.

For this purpose the Commission has made an appointment at Atoka, Indian Territory, March 10 to 15, 1903, and you should personally appear at said place on one of the above dates for the purpose herein indicated. No further action can be taken relative to the determination of your right to enrollment until this testimony is received.

Respectfully,

Chairman.

Choctaw D 382

Muskogee, Indian Territory, February 11, 1904.

Mary A. Perkins,

Caney, Indian Territory.

Dear Madam:

You are hereby advised that under direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Choctaw and Chickasaw Nations dated January 23, 1904, no further action will be taken relative to your enrollment as an intermarried citizen of the Choctaw Nation until the Commission is further instructed by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

MEMORANDA.

(Date) Aug 28 1899.

Name .....

Choctaw ? ..... County ..... Year ..... No. .....

Chickasaw ? ..... County ..... Year ..... Page .....

Citizen by blood ? ..... Mother's citizenship .....

Intermarried citizen ? .....

Married under what law ? .....

License filed this day. .....

2d. Wife's name. Mary A. S. Oakes

Choctaw ? yes County ..... Year ..... No. .....

Chickasaw ? ..... County ..... Year ..... Page .....

Citizen by blood ? ..... Mother's citizenship W

Intermarried citizen ? yes

Married under what law ? .....

License filed this day yes

Names of children:

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

Refer to marriage & enrollment and hear testimony

D382

Choc 5957

Albert Banks

5957

Trans from Choc # D-426

Oct. 31, 1904

In the matter of the application for the enrollment of Albert Banks as a citizen by intermarriage of the Choctaw Nation

7-D-426.

Commission to the Five Civilized Tribes,

South McAlester, Ind. Ter.

In the enrollment of Albert Banks as an intermarried Choctaw; being sworn and examined by Com'r McKennon he states:

Q What is your name? A Albert Banks.

Q How old are you? A Thirty-two.

Q You were married in January 1895 to Carrie Estes, was she a Choctaw citizen? A Yes sir.

Q Did you live with her until her death? A Yes sir.

Q When did she die? A She died the coming October; we married in June.

Q You have since married a white woman and a non-citizen of the Choctaw Nation? A Yes sir.

Department of the Interior,
Commission to the Five Civilized Tribes.
I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

M D Green

7-D-426

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, March 2, 1903.

In the matter of the application for the enrollment of Albert Banks as an intermarried citizen of the Choctaw Nation.

Said Albert Banks, being first duly sworn, upon his oath testified as follows:

Examination by the Commission.

Q What is your name? A Albert Banks.
Q How old are you? A Thirty-six years old.
Q What is your postoffice address? A Featherstone, Indian Territory, now.
Q What nation is that in? A Choctaw Nation.
Q How long have you been a resident of the Choctaw Nation? A About twenty years--twenty-one.
Q Have you lived there continuously for the past twenty years? A Yes sir, I aint been out of ittwelve months.
Q Have you ever been out of it during that time to establish a residence? A No sir.
Q Are you a white man? A Yes sir.
Q You claim intermarried rights in the Choctaw Nation, do you? A Yes sir.
Q What is the name of the Choctaw woman through whom you claim this right? A Carrie Estes, Jim LeFlore's daughter.
Q Was she a recognized and enrolled citizen by blood of the Choctaw Nation? A Yes sir.
Q Were her rights as such ever disputed? A No sir.
Q When were you married to this woman? A I was married in '95 I believe--in June, '95.
Q Where was this marriage ceremony performed? A Close to Canadian-about eight miles east.
Q In the Choctaw Nation? A Yes sir.
Q At that time were both you and your wife bona fide residents of the Choctaw Nation? A Yes sir.
Q Were you married in accordance with the Choctaw tribal laws? A Yes sir.
Q Did you obtain a tribal license? A Yes sir.
Q From whom did you get that license? A From the County Judge at Hartshorne--I dremember his name.
Q In what county was that? A Gaines County.
Q How much did you pay for that license? A One hundred dollars.
Q Who performed the marriage ceremony? A I forgot his name--I sent for the preacher by a feller and he brought a feller I wasn't personally acquainted with.
Q Was he a minister of the Gospel that married you? A Yes sir.
Q Were you ever married before your marriage to Carrie Estes? A Yes sir.
Q How many times before? A Once.
Q What was the name of your former wife? A Lenora Burke.

Q Was she dead at the time of your marriage to this Indian woman?
A No sir.
Q You had been separated? A Yes sir.
Q Had you been divorced? A Yes sir.
Q When were you divorced from your first wife? A About '92 I believe--I wouldn't be positive.
Q Where was this divorce obtained? A At South McAlester.
Q In the tribal court or the United States Court? A The United States Court.
Q Have you got any evidence of that divorce from your first wife?
A Nothing only it was recorded there and my lawyer, M. M. Winningham he said the record was there.

It will be necessary for you to file with the Commission evidence of your divorce from your first wife, such as a certified copy of the court record.

Q Was Carrie Estes ever married before her marriage to you? A Yes sir, her maiden name was Carrie LeFlore.
Q How many times was she married? A Once.
Q What was the name of her former husband? A John Estes.
Q Was he dead at the time of your marriage to her? A Yes sir.
Q How long did you live with Carrie Estes after your marriage to her? A Four months--we married in June and she died in October.
Q You lived with her until her death? A Yes sir.
Q After her death did you remarry? A Yes sir.
Q What was the date of your third marriage? A '99 I believe--in June.
Q Is this woman a white woman? A Yes sir.
Q What is her name? A Emma McKinney.
Q Does she make any claim to be possessed of any Indian blood?
A No sir.
Q Are you still living with her? A Yes sir.
Q You are at present an actual and bona fide resident of the Choctaw Nation? A Yes sir.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Muskogee, Indian Territory, March 2, 1903, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Ira S. Niles

Subscribed and sworn to before me this the 2nd day of March, 1903.

Notary Public.

(Marriage Licence)

Know all men by these presents that License is hereby Granted unto Albert Bar[illegible]e a citizen of the United States, age [illegible] and Mrs. Carie Easters, a citizen of the Choctaw Nation, age [illegible] to be United in the holy bonds of Matrimony.

Therefore any Minister of the Gospel or Judge of the Court in the Choctaw Nation, is hereby authorized to perform the Marriage Ceremony uniting the above couple as husband and wife.

The forgoing Complied with the Requirements of the laws of the Choctaw nation.

In testimony whereof I here unto Signed my name with my Official Seal On this 13th day of June 1895

J. Nelson
Co. Clerk
Jackson Co.

(Certificate of Marriage)

I hereby certify that I solemnized the rites of matrimony between Albert Bearde and Mrs Carie Easters in accordance with the above marriage licence and the laws of the Choctaw Nation on the the 21st day of June A.D. 1895

Witness

A J Bearden
a Minister of the Gospel

Certificate of Record

This certifies that the foregoing marriage license and marriage certificate between Albert Banks and Mrs. Carrie Casters has been this day recorded by me in the records of Gaines County Choctaw Nation, in Book B2 page 77.

This the 7th day of Sept. 1899

J. H. Vaster
County Clerk of
Gaines Co. C. N.

0-423

No. .....

versus

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAR 5 1903
ACTING SECRETARY.

COPY OF ORDER OF COURT.

....., Clerk.

By ....., Deputy.

7—365

United States of America,
INDIAN TERRITORY,
Central DISTRICT. } ss:

I, E. J. Fannin, Clerk of the District Court of the United States for the Central District of the Indian Territory, do hereby certify the foregoing to be a true copy of an order made by said Court on the 19th day of Febuary 1895, 190 , as appears from the records of said Court now on file in my office.

IN TESTIMONY WHEREOF, I have hereunto set my hand, at my office in South McAlester in said District, this 3rd day of March, A. D. 1903.

E. J. Fannin, Clerk.

By W. C. Donnelly, Deputy.

Form No. 303.

COPY OF ORDER OF COURT,

United States of America,
INDIAN TERRITORY,
Central DISTRICT. } ss:

IN THE UNITED STATES COURT in the Indian Territory, Central District, at a term thereof begun and held at South McAlester, in the Indian Territory, on the 19th day of Febuary 1895, A. D. 190 : Present, the Honorable Wm.H.H.Clayton, Judge of said Court.

The following order was made and entered of record, to wit:

#1076

Albert Banks

vs

Lena Banks

This cause coming on to be heard this 19 day of Febuary 1895, upon the report of the Master in Chancery which said peport by this court confirmed and approved, and exhibits filed therewith, and the plaintiff appearing by his attorney W.W.Wallis, and it appearing that the defendent has been legally summoned and failed to appear and make answer and it appearing from said Master report that the allegations in the plaintiffs complaint are true, and the court being fully advised in the premises.

It is therefore, ordered, adjudged and decreed that the bonds of matrimony existing between the plaintiff and the defendent, be and the same are hereby dissolved set aside and held for naught, and that each part be restored to all propertynot disposed of at the commencement of this action, which each party obtained from or through the other during marriage and in consideration and by reason.

Choctaw D-426

In the matter of the enrollment of Albert Banks as an intermarried citizen of the Choctaw Nation.

PROTEST of
Choctaw and Chickasaw Attorneys

FILED
FEB 6

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Albert Banks as a citizen by intermarriage of the Choctaw Nation, Choctaw Field No. D-426.

- - - - - - -

We hereby request, on behalf of the Choctaw and Chickasaw Nations, that final decision in this case be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of Mattie Lee Armstrong, et al., vs. Choctaw and Chickasaw Nations, No. 59 on the Tishomingo Docket, in which the said court will decide the question of what compliance, by the applicants or their ancestors, with the third or the fourteenth articles of the treaty of 1830 was necessary in order to be entitled to enrollment and to participation in the distribution of tribal property of the Choctaws and Chickasaws, notwithstanding their recognition as citizens by the tribal authorities of the Choctaw Nation, which question is involved in the case to which this communication refers.

This request is filed under authority granted by the Honorable Secretary of the Interior in his communication to the Commission to the Five Civilized Tribes upon the subject, dated November 18, 1903.

Attorneys for the Choctaw & Chickasaw Nations.

January 23, 1904.

7-D-426.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Albert Banks as a citizen by intermarriage of the Choctaw Nation.

--:--

D E C I S I O N.

It appears from the record herein that on June 21, 1895, the applicant, Albert Banks, was married in accordance with the laws, customs and usages of the Choctaw Nation to Carrie Banks (formerly Eastes) a recognized and enrolled citizen by blood of the Choctaw Nation, who is identified upon the 1893 Choctaw Leased District Pay Roll, Gaines County, page 16, number 149; that at the time of said marriage both persons above mentioned were residents in good faith of the Choctaw Nation, and lived together as husband and wife continuously until the death of the said Carrie Banks in October 1895; that thereafter in June 1899, the applicant was married to Emma Banks a non-citizen white woman. The applicant had been a resident in good faith of the Choctaw Nation from the date of his said marriage to Carrie Banks up to and including September 25, 1902.

Upon an examination of the tribal rolls in the possession of the Commission the applicant is identified upon the 1896 Choctaw Census Roll, page 381, number 14299, enrolled thereon as a citizen by intermarriage of the Choctaw Nation.

It is, therefore, the opinion of this Commission that following the ruling of the Department in the case of Thornton D. Pearce (I. T. D. 4060-1904), relative to the question of forfeiture, Albert Banks should be enrolled as a citizen by intermarriage of the,

Choctaw Nation, in accordance with the provisions of the Acts of Congress approved June 28, 1898 (30 Stat., 495) and July 1, 1902 (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

OCT 15 1904

7-D-426.

Muskogee, Indian Territory, October 15, 1904.

Albert Banks,

COPY.

Maggey, Indian Territory.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered October 15, 1904, granting the application of Albert Banks for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling the above named person as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, this name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Tams Bixby.

Chairman.

Registered.

Incl. 7-D-426.

7-D-426.

Muskogee, Indian Territory, October 15, 1904.

Grace & Humphrey,

Attorneys at Law,

South McAlester, Indian Territory.

COPY.

Gentlemen:

You are hereby notified that the Commission to the Five Civilized Tribes, on October 15, 1904, rendered its decision granting the application of Albert Banks for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If at the expiration of said time no protest has been filed, the name of the above person whose application has been granted, will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Tams Bixby,

Chairman.

Registered .

7-D-426.

Muskogee, Indian Territory, October 16, 1904.

COPY.

H. M. Lindly,

Attorney at Law,

South McAlester, Indian Territory.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on October 15, 1904, rendered its decision granting the application of Albert Banks for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If at the expiration of said time no protest has been filed, the name of the above person whose application has been granted will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED Tams Bixby.

Registered. Chairman.

7-D-426.

Muskogee, Indian Territory, October 15, 1904.

COPY.

T. C. Humphry,

Attorney at Law,

South McAlester, Indian Territory.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on October 15, 1904, rendered its decision granting the application of Albert Banks for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If at the expiration of said time no protest has been filed, the name of the above person whose application has been granted, will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED) Tams Bixby.

Chairman.

Registered.

7-D-426.

COPY.

Muskogee, Indian Territory, October 15, 1904.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of this Commission, rendered October 15, 1904, granting the application of Albert Banks for enrollment as a citizen by intermarriage of the Choctaw Nation.

You are hereby notified that you will be allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If at the expiration of said time no protest has been filed, this name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED Tams Bixby.

Chairman.

Registered.

Incl. 7-D-426.

For registry receipt in this case see Choctaw 57

Muscogee, Indian Territory,

August 18th, 1900.

Albert Banks,

South Canadian, Indian Territory,

Dear Sir:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs McKennon, Mansfield, McMurray, & Cornish, has filed with this Commission a notice of protest to your enrollment as a citizen of the Choctaw Nation.

The Commission, commencing December 3rd, 1900, will hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Acting Chairman.

7-D-426.

Muskogee, Indian Territory, September 18, 1900.

Albert Banks,

South Canadian, Indian Territory.

Dear Sir:-

Since notifying you on August 18, 1900, of the protest filed by the Choctaw Nation to your enrollment as a citizen of the Choctaw Nation, the Commission has been furnished by the Nation with the grounds upon which objection is made to your enrollment. The protest against you is, that you have married out of the Nation.

The Commission is in possession of a sufficient statement of facts upon which a decision may be rendered and in your case it will not be necessary for you to appear at the appointment at Atoka beginning December 3rd, 1900.

The Commission will accept and consider any written arguments on questions of law submitted on behalf of the Choctaw Nation at any time prior to February 1st, 1901, and on your behalf at any time prior to March 1st, 1901.

As soon thereafter as practicable the Commission will consider and finally determine your right to enrollment and the decision of the Commission, stating fully its reasons for any actions that may be taken, will be mailed to you.

Yours truly,

Acting Chairman.

7-B-426

Muskogee, Indian Territory, February 5, 1901.

Albert Banks,

Canadian, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the 28th ultimo relative to your rights to enrollment as an intermarried citizen of the Choctaw Nation.

You state in your letter that you were first married to a Choctaw woman and lived with her until her death and that thereafter you married a white woman and that you believe that you are entitled to recognition and enrollment as an intermarried citizen of the Choctaw Nation.

You are informed that the records of this Commission show that on September 4th, 1899, you appeared [redacted] the Commission as an applicant for enrollment as an intermarried citizen of the Choctaw Nation, claiming such right by reason of your marriage on June 13, 1895 under a Choctaw license to Carrie Masters.

It appears from your testimony offered at the time of your application that you lived with this woman up until her death but that you subsequently thereto married a white woman having no rights to Choctaw citizenship by blood.

The Choctaw Nation has entered objection to your enrollment as a citizen by intermarriage of that Nation claiming that you have forfeited such citizenship by your second marriage under the provisions of Section 5 of an act of the National Council of the Choctaw

Nation of November 9th, 1875 which is as follows:

"Should any man or woman, a citizen of the United States or of any foreign country, become a citizen of the Choctaw Nation by intermarriage as herein provided , and be left a widow or widower, he or she shall continue to enjoy the rights of citizenship; unless he or she shall marry a white man or woman or person as the case may be, having no right of Choctaw citizenship by blood; in that case all his or her rights acquired under the provisions of this act shall cease."

On August 18th, 1900, the Commission informed you of the filing of this protest by the Choctaw Nation through its attorneys Messrs Mansfield, McMurray & Cornish and on September 18th you were further notified that such objection was made to your enrollment upon the contention that you had forfeited your rights as a citizen by marrying out. In the Commission's letter of September 18th, you were notified that it would not be necessary for you to make any personal appearance at the Atoka appointment in December but such notice was not to be construed as prohibiting you from offering any additional testimony if you so desired. You were also informed that written arguments on questions of law or fact submitted on behalf of the Choctaw Nation at any time prior to February 1st, 1901 and on your behalf prior to March 1st, 1901, would be accepted and considered by the Commission. This time has now be en extended for the submission of such briefs or arguments by the Choctaw Nation to April 1st, 1901 and in behalf of the applicants whose rights have been contested, to May 15th, 1901.

If you desire to submit such argument or written brief, the Commission will accept the same and give it due consideration in the disposition of your application for enrollment as an intermarried citizen of the Choctaw Nation.

Yours truly,

7-D-426 Acting Chairman.

Muskogee, Indian Territory, May 11, 1901.

Grayson & Humphrey,
Attorneys at Law,
St Joseph, Mo.

Gentlemen;-

In reply to your personal inquiry as to whether or not the name of Albert Banks appears on the Chester Roll, made to this Commission this day, you are informed that the name of Albert Banks appears on the Chester Roll of intermarried citizens, for 1896, page 381.

Yours truly,

[redacted]

7-426.

Choctaw D 436

Muskogee, Indian Territory, April 21, 1902.

T. C. Humphry,
Attorney at Law,
South McAlester, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 9th instant, requesting that you be informed when the case of the Choctaw Nation versus Albert Banks will be heard.

Replying to your letter you are informed that there has been no date set by the Commission for further hearing in the matter of the application of Albert Banks for enrollment as an intermarried citizen of the Choctaw Nation.

Yours truly,

Commissioner in Charge.

D-426.

Muskogee, Indian Territory, August 18, 1902.

Albert Banks,

Canadian, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter without date requesting information as to the status of your application for enrollment as an intermarried citizen of the Choctaw Nation.

In reply you are advised that on September 4, 1899, the Commission received your application for enrollment as an intermarried citizen of the Choctaw Nation. No action has as yet been taken in this case, but it is probable that the same will be taken up for final consideration at an early date. As soon as a decision has been reached in your case you will be advised of the result, and of the forwarding of the record in the case to the Secretary of the Interior for review.

Yours truly,

Acting Chairman.

Choctaw D 426

Muskogee, Indian Territory, February 17, 1903.

Albert Banks,

Featherston, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of February 9, stating that you were sick and could not appear before the Commission at its recent appointment at South McAlester, and you ask to be informed the status of your case.

In reply to your letter you are advised that it appears from our records that you have been listed among the doubtful claimants to enrollment as an intermarried citizen of the Choctaw Nation. The Commission is now preparing rolls of the citizens and freedmen of the Choctaw and Chickasaw Nations for submission to the Secretary of the Interior, in accordance with the provisions of the act of Congress of July 1, 1902, and it is necessary to secure the testimony of all intermarried citizens of these two nations relative to their status as such intermarried citizens on September 25, 1902, the date of the ratification by the Choctaw and Chickasaw Nations of the act of Congress above referred to.

It would be advisable for you to appear before the Commission at the earliest date possible for the purpose of offering this

A B 2

testimony as until the same is received no further consideration can be given your application for enrollment as an intermarried citizen of the Choctaw Nation.

Respectfully,

Acting Chairman.

7-D-48

Muskogee, Indian Territory, February 26, 1903.

Albert Banks,

Featherston, Indian Territory.

Dear Sir:

It is the present intention of the Commission to establish land offices in the Choctaw and Chickasaw nations April 1, 1903. The act of Congress approved July 1, 1902, provides:

"No person whose name does not appear upon the rolls as herein provided shall be entitled in any manner to participate in the distribution of the common property of the Choctaw and Chickasaw tribes."

It will be necessary, before your right to enrollment as an intermarried citizen of the Choctaw Nation can be determined, that you appear before the Commission and testify as to your status on September 25, 1902.

For this purpose the Commission has made an appointment at Atoka, Indian Territory, March 10 to 13, 1903, and you should personally appear at said place on one of the above dates for the purpose herein indicated. No further action can be taken relative to the determination of your right to enrollment until this testimony is received.

Respectfully,

Chairman.

Choctaw-D-426

Muskogee, Indian Territory, March 6, 1903.

Albert Banks,

Featherstone, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the third instant, enclosing copy of the decree of the United States Court for the Central District of Indian Territory in the case of Albert Banks vs. Lena Banks, and the same has been filed with the records of the Commission in the matter of your application for enrollment as an intermarried citizen of the Choctaw Nation.

Respectfully,

Chairman.

Choctaw D 426

Muskogee, Indian Territory, April 10, 1903.

Albert Banks,

Featherston, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of April 6, asking the status of your application for enrollment as an intermarried citizen of the Choctaw nation, and requesting to know if you willbe permitted to file on your allotment when the land office opens.

In reply to your letter you are advised that it appears from our records that you have been listed among the doubtful claimants to enrollment as an intermarried citizen of the Choctaw Nation, and your final right to such enrollment has not yet been determined. As soon as a decision is reached you will be notified of the action of the Commission.

Relative to that part of your letter in which you ask if you will be permitted to file on your allotment, your attention is invited to rule fifteen of the rules and regulations governing the selection of allotments and the designation of homesteads in the Choctaw and Chickasaw Nations, copy of which is herewith inclosed you.

Respectfully,

Choctaw D 426

Muskogee, Indian Territory, July 3, 1903.

Albert Banks,

Gowen, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of May 31, advising the change of your post office address to Gowen, Indian Territory, and you are advised that this change has been made a matter of record.

Respectfully,

[illegible]missioner in Charge.

7-D 426

Muskogee, Indian Territory, October 14, 1903.

Albert Banks,

Gowen, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of October 1, asking the status of your enrollment as an intermarried citizen of the Choctaw Nation.

In reply to your letter, you are informed that the Commission has not yet passed upon your application for enrollment as an intermarried citizen of the Choctaw Nation, but as soon as any decision is reached you will be duly notified thereof.

Respectfully,

Commissioner in Charge.

Choctaw D 426

Muskogee, Indian Territory, February 10, 1904.

Albert Banks,

Gowen, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of February 4, asking the status of your enrollment as an intermarried citizen of the Choctaw Nation.

You are hereby advised that under direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Choctaw and Chickasaw Nations dated January 23, 1904, no further action will be taken relative to your enrollment as a citizen by intermarriage of the Choctaw Nation until the Commission is further instructed by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

Choctaw-D-426.

Muskogee, Indian Territory, June 15, 1904.

Albert Banks,

Massey, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of May 28th, advising of your change of post office and asking if a decision has been rendered in your case.

In reply to your letter, you are informed that the Commission has not yet passed upon your application for enrollment as an intermarried citizen of the Choctaw Nation, but as soon as a decision is reached in this case, you will be notified of the action taken therein. Your change of post office has been made a matter of record.

Respectfully,

Chairman.

Choctaw D 426

Muskogee, Indian Territory, August 9, 1904.

Albert Banks,

Massey, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of August 3, relative to your enrollment as an intermarried citizen of the Choctaw Nation, in which you ask to be advised if anything further is necessary in your case.

In reply to your letter you are advised that the Commission is passing upon applications for enrollment of persons as intermarried citizens of the Choctaw and Chickasaw Nations as rapidly as practicable, but your case has not yet been reached for consideration and determination. In the event further evidence is necessary to enable the Commission to pass upon your application you will be notified. As soon as a decision is reached you will be advised of the action taken therein.

Respectfully,

Commissioner in Charge.

Choctaw D-436.

Muskogee, Indian Territory, August 12, 1904.

M. M. Lindly,
Attorney at Law,
South McAlester, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of August 8, in which you ask the status of Albert Banks as an intermarried Choctaw.

In reply to your letter, you are informed that the Commission has not yet passed upon the application of Albert Banks for enrollment as an intermarried citizen of the Choctaw Nation. When a decision is reached in this case, he will be notified of the action taken.

Respectfully,

Commissioner in Charge.

7-D-486

Muskogee, Indian Territory, October 17, 1904.

M. M. Lindly,

Attorney at Law.

South McAlester, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of the 12th instant, requesting to be advised relative to the status of the application for enrollment of Albert Banks, also that of Sarah E. Catterton as intermarried citizens of the Choctaw Nation.

You are advised that the Commission has not yet passed upon the application for enrollment of Albert Banks as an intermarried citizen of the Choctaw Nation. As soon as a decision is reached in his case he will be duly notified of the action taken therein.

You are further advised that Sarah E. Catterton has been enrolled by this Commission as an intermarried citizen of the Choctaw Nation, and her name forwarded to the Secretary of the Interior upon a schedule of intermarried citizens of the Choctaw Nation for approval, but this Commission has not yet been advised of Departmental action therein.

Respectfully,

Chairman.

MEMORANDA.

McAlester

we

327 (Date) Sept 4 1899.

Name Aleesh Banks

Choctaw ? yes County Pittsburg Year 96 No. 14294

Chickasaw ? County Year Page 381

Citizen by blood ? Mother's citizenship Ark

Intermarried citizen ? yes

Married under what law ? Choc

License filed this day, yes

Wife's name, [redacted]

Choctaw ? County Year No.

Chickasaw ? County Year Page

Citizen by blood ? Mother's citizenship

Intermarried citizen ?

Married under what law ?

License filed this day

Names of children:

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

Aleesh Banks - As to marriage to [illegible] recorded with the marriage records of the [illegible]

D426

Choc 5940

Maggie Spain

Wife of David B. Spain deceased
on Choc # 119

Trans from Choc # D-680

Oct. 31, 1904

5940

In the matter of the application for the enrollment of Maggie Spain as a citizen by intermarriage of the Choctaw Nation.

7-D-680.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory, November 14th, 1901.

In the matter of the application of Maggie Spain for enrollment as a citizen by intermarriage of the Choctaw Nation. Maggie Spain being first duly sworn testified as follows:

Examination by the Commission.

Q What is your name? A Maggie Spain.
Q How old are you? A Seventeen.
Q Where do you live? A Ryan, Indian Territory.
Q What nation is that in? A Chickasaw.
Q How long have you lived in the Chickasaw Nation? A Seven years.
Q Have you maintained a continuous residence there for the past seven years? A Yes sir.
Q What is your father's name? A Stilwell. He's dead.
Q What was his given name? A John.
Q What is your mother's name? A Mattie Stilwell.
Q Is your mother living? A Yes sir.
Q Were your parents both white persons? A My mother she claimed Indian.
Q What tribe of Indians did she claim any rights in? A Choctaw.
Q Has she ever been recognized or enrolled as a member of the Choctaw tribe of Indians by the tribal authorities of that nation?
A No sir.
Q Has she ever been accorded any of the rights of citizenship in the Choctaw Nation? A I don't know.
Q Has she ever drawn any money as a citizen of the Choctaw Nation . A No sir.
Q Did she ever hold any land? A No sir.
Q Where does your mother live? A Ryan.
Q How long has she lived there? A Seven years.
Q Has she ever been an applicant to this Commission for enrollment as a citizen of the Choctaw Nation? A No sir.
Q Do you claim any rights to enrollment as a citizen by blood of the Choctaw Nation? A No sir I guess not.
Q Your father was a white man? A Yes sir.
Q You are applying for enrollment as a citizen by intermarriage of the Choctaw Nation are you not? A Yes sir.
Q What is your husband's name? A David Spain.
Q How old is he? A Twenty-two years old.
Q What is his father's name? A Tom Spain.
Q What is his mother's name? A Lizzie Spain.

The records of the Commission examined and the name of David B. Spain, 19 years of age, appears on Choctaw roll card, field No. 119, having been so listed for enrollment on September 13, 1898.

Q When did you marry him? A The 15th of April, 1900.
Q Where did you marry him? A Ryan.
Q Did you obtain a license to marry him? A Yes sir.
Q Where did you obtain the license? A Ryan.
Q From the United States Court? A Yes sir.
Q Were you ever married to your husband in conformity with the tribal laws of the Chickasaw Nation? A No sir.

Q When you married David B. Spain was he a resident of the Chickasaw Nation? A Yes sir.
Q How long had he been such a resident? A A year, I believe.
Q Where did he live before that? A He wasn't living in that part of the country. Living at Duncan, I believe.
Q Living in the Chickasaw Nation? A Yes sir.
Q Has he always lived in the Chickasaw Nation? A I don't know.

There is offered in evidence, marked exhibit "A", filed and made a part of the record in this case, the marriage license issued by C. M. Campbell, Clerk United States Court for the Southern District, Indian Territory, to D. B. Spain to marry Maggie Stilwell, the same being dated April 14, 1900, and attached thereto is the certificate of S. H. Wootton as to the marriage of D. B. Spain and Maggie Stilwell April 15, 1900, the same being recorded the 18th of April, 1900, in book D of marriage records, page 543, United States Court, Southern District, Indian Territory.

There is also offered in evidence and filed the affidavit of W. F. Spain as to his knowledge of the marriage of D. B. Spain and Maggie Stilwell and also as to the death of David B. Spain.

Q Were you ever married to any other person before you were married to David B. Spain? A No sir.
Q Was he ever married to any one before he married you?
A No sir.
Q Is he living now? A No sir.
Q Did you live with him as man and wife up until the time of his death? A Yes sir
Q When did he die? A The 15th of June, 1900?
Q You only lived with him three months? A Two months.
Q Have you ever married any one else since his death? A No sir.
Q You are still a widow? A Yes sir.
Q The marriage license that you obtained from the United States Court for the Southern District, Indian Territory, is the only license you were ever married under? A Yes sir.
Q There was only one marriage ceremony performed between you and your deceased husband? A Yes sir.
Q Is there any additional statement you want to make? A No sir.

The decision of the Commission as to your application for enrollment as a citizen by intermarriage of the Choctaw Nation will be determined at the earliest practicable date and you will be notified of any action the Commission may take therein.

Myra Young having been first duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 14th day of November, 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date. Myra Young
Subscribed and sworn to before me this 15th day of November, 1901.

Acting Chairman.

Department of the Interior
Commission to the Five Civilized Tribes
Ardmore, I.T. October 30,1902.

Choctaw D-680.

In the matter of the application for enrollment as a citizen by intermarriage of the Choctaw Nation of Maggie Spain.

Maggie Spain being first duly sworn testifiedas follows:

Examination by the Commission

Q What is your name? A Maggie Spain.
Q How old are you? A Ryan, Indian Territory.
Q You applied for enrollment as an intermarried citizen of the Choctaw Nation? A Yes,sir
Q What is the name of your husband? A David E. Spain.
Q Is he living? A No,sir.
Q When did he die? A The 15th of June a year ago.
Q Have you married since his death? A No,sir.
Q Were you living in the Choctaw or Chickasaw country at the time of your marriage to Mr. Spain? A Yes,sir.
Q Have you continued to reside, ever since that time, in the Choctaw-Chickasaw country? A Yes,sir.
Q Never have made your home outside since then? A No,sir.

G. Rosenwinkel beingduly sworn on his oath states that as stenographer to the Commission to the aFive Civilized Tribes he reported in full all the proceedings had in the above entitled cause on October 30, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said causeon said date.

G Rosenwinkel

Subscribed and sworn to beforeme this 29 day of November1902.

Notary Public.

Certificate of Record of Marriage.

UNITED STATES OF AMERICA, } sct.
THE INDIAN TERRITORY.
SOUTHERN DISTRICT.

I, C. M. CAMPBELL, Clerk of the United States Court in the Territory and District aforesaid, DO HEREBY CERTIFY, that the License for, and Certificate of Marriage of Mr. W. B. Spann and M Maggie Stidwell were filed in my office in said Territory and District the 18 day of April A. D 1900, and duly recorded in Book 20 of Marriage Record, page 543

WITNESS my hand and seal of said Court, at Ardmore, this 18 day of April A. D. 1900.

C. M. Campbell CLERK.

FILED
APR 18 1900 AM
C. M. CAMPBELL, Clerk.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
NOV 14 1901

Acting Chairman.

MARRIAGE LICENSE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, SOUTHERN DISTRICT } ss: To Any Person Authorized by Law to Solemnize Marriage--Greeting:

You are Hereby Commanded, To solemnize the Rite and publish the Banns of Matrimony between

Mr. D. B. Spain, of Duncan,

in the Indian Territory, aged 21 years, and

Miss Maggie Stilwell, of Ryan,

in the Indian Territory, aged 15 years,

according to law; and do you officially sign and return this License to the parties therein named.

Witness my hand and official seal, this 14th day of April, A. D. 1900.

By _____ Deputy

C. M. Campbell,
Clerk of the United States Court.

Certificate of Marriage.

UNITED STATES OF AMERICA, THE INDIAN TERRITORY, SOUTHERN DISTRICT. } ss.

I. S. H. Wootton, a Depty. Clerk U.S.Court, do hereby certify, that on the 15th day of April, A. D. 1900. I did duly and according to law, as commanded in the foregoing License, solemnize the Rite and publish the Banns of Matrimony between the parties therein named.

WITNESS my hand, this 16th day of April, A. D. 1900

My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Southern District, at Ardmore, Book _____ Page _____.

S. H. Wootton
a Depty. U.S. Clerk,

NOTE (a)—This License and Certificate of Marriage must be returned to the office of the Clerk of the United States Court in the Indian Territory, at Ardmore, within sixty days from the date thereof, or the party to whom the License was issued will be liable in the amount of One Hundred Dollars, ($100.)

NOTE (b)—No person is authorized to perform the Marriage Ceremony in the Southern District, unless the proper credentials have first been recorded in the Clerk's office.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

NOV 14 1901



Southern District
Indian Territory

Before me J. M. Adams a Notary Public in and for said District and Territory this day personally appeared W. H. Spain who being by me duly sworn says, that he is well acquainted with Maggie Spain. that he has known her for about two years - That when he first knew her, and untie she married D. B. Spain her name was Maggie Stidwell - That on or about day of April 1900 she was married to said D. B. Spain, and they lived together as husband and wife up to his death - which occurred about the day of June 1900. That during the time said D. B. and Maggie Spain lived together as husband and wife they resided in said Territory and District about 6 Miles South East from Ryan that during said time the defendant resided within 6 miles of the town of said D. B. and Maggie Spain - W. H. Spain

Sworn to and subscribed before me this 11 day of November 1901 - J. M. Adams N. P.

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the applicationfor the enrollment of Maggie Spain as a citizen by intermarriage of the Choctaw Nation, Choctaw Field No. D-680.

- - - - - - -

We hereby request, on behalf of the Choctaw and Chickasaw Nations, that final decision in this case be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of Preston Early, et al., vs. Choctaw and Chickasaw Nations, No. 64 on the South McAlester Docket, in which the said court will decide the question of citizenship rights by intermarriage, if any, of those white persons who intermarried with citizens by blood of the Choctaw Nation not in accordance with the tribal laws, which question is involved in the case to which this communication refers.

This request is filed under authority granted by the Honorable Secretary of the Interior in his communication to the Commission to the Five Civilized Tribes uponthis subject, dated November 18, 1903.

Attorneys for the Choctaw & Chickasaw Nations.

January 23, 1904.

Choctaw D-660.

In the matter of the enrollment of Maggie Spain as an intermarried citizen of the Choctaw Nation.

PROTEST of
Choctaw and Chickasaw Attorneys

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
FEB 6 1931

Chairman

Dbd

7-D-680.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Maggie Spain as a citizen by intermarriage of the Choctaw Nation.

---:---

D E C I S I O N.

---:---

It appears from the record herein that on April 15, 1900, the applicant, Maggie Spain, was lawfully married to David B. Spain, a recognized and enrolled citizen by blood of the Choctaw Nation, who is identified upon the 1893 Choctaw Leased District Payment Roll, Blue County, page 104, number 1077, also upon the 1896 Choctaw Census Roll, Chickasaw District, number 11764; that at the time of said marriage both persons above mentioned were residents in good faith of the Chickasaw Nation, and lived together as husband and wife continuously from the date of their said marriage until the death of the said David B. Spain, June 15, 1900; since which time the applicant has not remarried. The applicant had been a resident in good faith of the Chickasaw Nation from the date of her said marriage to David B. Spain up to and including September 25, 1902.

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of Ella Jones (I.T.D.6818-1904), Maggie Spain should be enrolled as a citizen by intermarriage of the Choctaw Nation, in accordance with the provisions of the Acts of Congress approved June 28, 1898 (30 Stat., 495) and July 1, 1902 (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

OCT 15 1904

COPY.

7-D-690

Muskogee, Indian Territory, October 15, 1904.

Maggie Spain,

Ryan, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered October 15, 1904, granting the application of Maggie Spain for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling the above named person as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, this name will be placed upon the final rolls of the citizens of the Choctaw Nation to be transmitted to the Secretary of the Interior for his approval.

Respectfully,

James Bixby.

(SIGNED)

Chairman.

Registered.

Incl.7-D-690.

COPY.

7-D-680.

Muskogee, Indian Territory, October 15, 1904.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of this Commission, rendered October 15, 1904, granting the application of Maggie Spain for enrollment as a citizen by intermarriage of the Choctaw Nation.

You are hereby notified that you will be allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If at the expiration of said time no protest has been filed, this name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED) Tams Bixby.

Chairman.

Registered.

Incl. 7-D-680.

For registry receipt see Choctaw 57

Muskogee, Indian Territory, May 7, 1902.

Mrs. M. A. Stilwell,

Tishomingo, Oklahoma.

Dear Madam:

Receipt is hereby acknowledged of your letter without date, in which you ask the status of the application for enrollment of Maggie Spain.

In reply to your letter you are advised that it appears from our records that Maggie Spain has been listed among the doubtful claimants to enrollment as an intermarried citizen of the Chickasaw Nation, but her final right to such enrollment has not yet been determined. As soon as a decision is reached in her case she will be notified of the action of the Commission.

Respectfully,

Chairman.

Choctaw D 680

Muskogee, Indian Territory, February 10, 1904.

Maggie Spain,

Ryan, Indian Territory.

Dear Madam:

You are hereby advised that under direction of the Secretary of the Interior of November18, 1903, and upon a protest filed with the Commission by the attorneys for the Choctaw and Chickasaw Nations dated January 23, 1904, no further action will be taken relative to your enrollment as a citizen by intermarriage of the Choctaw Nation until the Commission is further instructed by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

Choctaw D 680

Muskogee, Indian Territory, May 9, 1904.

J. S. Vanderburg,

Terral, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of May 2, asking if Maggie Spain, widow of David Spain, may now file on allotments for herself and her deceased husband.

In reply to your letter you are advised that the Commission has not yet passed upon the application of Maggie Spain for enrollment as an intermarried citizen of the Choctaw Nation. As soon as a decision is reached in this case she will be notified of the action taken therein.

Relative to the selection of an allotment in behalf of David Spain, deceased, you are advised that it appears from our records that David B. Spain died June 15, 1900, and in this connection your attention is invited to the following provision of the act of Congress of July 1, 1902, which was ratified by the Choctaw and Chickasaw Nations on September 25, 1902:

"That no allotment of land or other tribal property shall be made to any person, or to the heirs of any person whose name is on the said rolls, and who died prior to the date of the final ratification of this agreement."

Respectfully,

Chairman.

7-8840

Muskogee, Indian Territory, February 14, 1907.

Maggie Frances Spain,

Waurika, Oklahoma.

Dear Madam:

Receipt is hereby acknowledged of your letter of February 3, 1907, giving your enrollment number and your age.

In reply to your letter you are advised if you will state for what purpose the information was forwarded this office the matter will receive immediate attention.

Respectfully,

Commissioner.

7-5840

Muskogee, Indian Territory, March 15, 1907.

Maggie Frances Spain,

Waurika, Oklahoma.

Dear Madam:

Your letter of February 26, 1907, addressed to the United States Indian Agent has been by him referred to this office for consideration and appropriate action. Therein you ask why you were requested to forward to this office your name and roll number.

In reply to your letter you are advised that it does not appear from the records of this office that you were requested to forward your roll number. In a former letter you did furnish this information and you were requested to state why the same had been forwarded.

Your enrollment as an intermarried citizen has been approved by the Secretary of the Interior.

Respectfully,

Commissioner.

Choc 5941

Henry W. Marcum

See Choc R. 178

Trans from Choc #D-568

Oct. 31, 1904

Commission to the Five Civilized Tribes,

Durant, Indian Territory.

In the enrollment of Henry W. Marcum, wife and children, as Choctaws; being sworn and examined by Com'r McKennon he testifies:

Q What is your name? A Henry W. Marcum.

Q How old are you? A Twenty-six.

Q What is your wife's name? A Delia Marcum.

Q She was a daughter of Reuben Beal, who was admitted by an Act of the Choctaw Council, number 12, Approved October 25th, 1890, as Reuben Beals? A Yes sir.

Q What children have you? A I have three, Jesse, 7 years old; Claudie, 4 years old; Clarence, 18 months old.

Com'r McKennon: Delia and her child Jesse are on the Pay Roll of 1893, Choctaw Nation, page 75, numbers 788 and 789; she is on the Choctaw roll of 1896 as Mrs. Deliett Marcum, page 223, #8897, and Jesse is on the same page, #8900, as Jessee Marcum, and Claudie is on the same page, #8901, as Canady Marcum. As your wife, Delia Marcum, has never been admitted by the Choctaw Council, we find that she was placed upon the rolls without authority of law, and she, with her children named, will be refused; she therefore, not being enrolled, you are denied enrollment upon your second marriage to her, a license for which you present, dated August 12th, 1899, issued by the Choctaw authorities.

Q You are a white man are you? A Yes sir.

Department of the Interior,
Commission to the Five Civilized Tribes.
I hereby certify, upon my official oath as stenographer to the above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.
M D Green

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Atoka, I. T. June 4, 1900.
(Choc.- D.-568.)

In the Matter of the Application of :
Henry W. Marcum for enrollment as a :
Citizen of the Choctaw Nation. :

Henry W. Marcum, being first duly sworn by Acting Chairman Bixby, testified as follows:

Q What is your name? A Henry W. Marcum.
Q What is your age? A My age is 27 years.
Q What is your postoffice address? A Coalgate.
Q Do you live at Coalgate? A I live eight miles from there.
Q You make application for enrollment as a Choctaw, intermarried?
A Yes sir.
Q You have before made application to this Commission for enrollment, have you not? A Yes, at Durant.
Q What was the date of that application? Do you remember? A It was about the 15th of Aug., 1899.
Q What is the name of your father? A Phillip Marcum.
Q Is he living? A Yes sir.
Q Is he a United States citizen? A Yes sir.
Q What is the name of your mother? A Haley Marcum.
Q Is she living? A No, she is dead.
Q Is she a citizen of the U. S.? A Yes sir.
Q How long have you lived in the Ind. Ter? A About 13 or 14 years.
Q Have you resided continuously in the Ty. during that time? A Yes.
Q Did you ever apply to the Choctaw tribal authorities? A No, my lisence was just issued about the 3rd day of August.
Q To whom are you married? A Delia Beal.
Q Under what law were you married? A Under U. S. laws.
Q Have you your marriage lisence and certificate? A I have got a lisence of the Indian marriage, but there is a fellow here at Caddo got the U. S. lisence.
Lisence and certificate presented to the commission and placed on file.
Q Where were you living at the time of your marriage? A Coalgate.
Q Is your wife's name on the Choctaw rolls? A Yes sir.
Q To what county does she belong? A A She lives in Atoka Co.
Q You know the people of the Choctaw Nation are divided into counties To what county does she belong? A Blue county.
Q On what roll does her name appear? A Choctaw; she is enrolled three times that I know of; I disremember what.
Q What was the name of her father? Reuben Beal.
Q Is he a Choctaw? A Yes sir.
Q What is the name of your wife's mother? A Mary Jane I think.
Q Is she a Choctaw? A No sir.
Q Citizen of the U. S.? A Yes sir.
Q What proportion of Choctaw blood does your wife claim? A I can't say.
Q What are the names of your children under 21 years of age. A My oldest child is 7 years old, Jesse; Claud is 4 years and Clarence is 2 years old.
Q These children live at home with you? A Yes sir.
Q Is there any additional statement you desire to make? A. No I don't know as there is anything more.

By Mr. Cornish:
Q When were you married to your wife under Indian law? A In August, 12, 1899.
Q How long prior to that time had you been married to her under United States law? A It has been about 6 or 7 years.

2-Harwell.

Q What was her maiden name? A Beal.
Q Then at the time you married her under the Indian law, her name was Delia Harwell, was it not? A Yes sir.

Transferred from Choctaw D-568 to Choctaw R.-178.

Frances R. Brown, being first duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes, she reported the testimony of the foregoing witness, and that the foregoing transcript of her shorthand notes is a true and complete transcript of testimony of said witness as delivered by him.

Frances R. Brown

Subscribed in my presence and sworn to before me this 8th day of June, A. D., 1900.

Acting Chairman.

In Re: The Application of [illegible] for enrollment as a Chickasaw Freedman, together with her children.

Affidavit of W. E. Hunter.

1-2578

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
APR 11 1900

ACTING SECRETARY.

In Re the Application of Cordelia Marcum et. al for Enrollment as members of the Choctaw Tribe of Indians by blood. Application Made to Commission to Five Civilized Tribes August, 1900 at Durant, Choctaw Nation, based upon former enrollment by Choctaw Authorities.

Initial Territory.
Central District.

Affidavit of T. W. Hunter.

On this the 7th. day of August, 1900, personally appeared before me, the undersigned authority, T. W. Hunter, to me well and personally known as the person making the following affidavit, who after being duly sworn according to law, stated upon his oath as follows, to-wit:

My name is T. W. Hunter, my Post Office is Caddo, Ind. Ter. My age is 31 years. I am a Choctaw Indian by blood, and a member of the Choctaw Council, being the representative from Blue County, Choctaw Nation. I am familiar with the laws and customs of the Choctaw Indians, especially so with the laws and customs of my people touching citizenship.

I know that it has been for many years the custom to enroll the minor children of such parents as were admitted to citizenship by the Choctaw Tribunals of Citizenship although the names of such children were always omitted from the judgement or act admitting such parents. I know that our Choctaw authorities have always recognized this custom, and have enrolled such children; and that the names of such children were upon the Choctaw Rolls from the time their parents were so admitted until the Commission refused them enrollment.

I have no interest in this or any other application for citizenship, and the facts herein stated I know from my own knowledge and experience.

T. W. Hunter.

Sworn and subscribed to before me this the 7th. day of August, 1900.

Notary Public.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Choctaw D-568.

Muskogee, Indian Territory, March 5, 1902

Henry W. Marcum,

Coalgate, Indian Territory.

You are hereby notified that the application of yourself for enrollment as a citizen of the Choctaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 14th day of April, 1902

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

Register

T. B. NEEDLES,

Commissioner in Charge.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, April 14, 1902.

In the matter of the application of Henry W. Marcum for the enrollment of himself as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Delia Marcum and his four minor children, Jesse Marcum, Claudie Marcum, Clarence Marcum, and Lulo Marcum, as citizens by blood of the Choctaw Nation.	D-568.

On the 5th day of March, 1902, the principal applicant was notified by registered mail, and on the 6th day of March, 1902, t the attorneys for the Choctaw and Chickasaw Nations were also notified by registered mail that the application of Henry W. Macrum for enrollment as a citizen by intermarriage and for the enrollment of his wife and children as citizens by blood of the Choctaw Nation, would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 14th day of April 1902 for final consideration.

Now on this 14th day of April, 1902, this cause coming on to be heard, pursuant to said notice, the following proceedings were had:

APPEARANCES:-

Henry W. Marcum, the principal applicant in person	No appear ance on behalf pf the Choctaw and Chickasaw Nations.

Henry W. Marcum, being first duly sworn, upon his oath testifies as follows:

Examination by the Commission.

Q What is your name? A Henry W. Marcum.
Q What is your present post office address? A Coalgate.
Q How old are you at this time, Mr. Marcum? A Well, sir, I'll be thirty year old the 29th day of October.
Q Do you claim by blood, or as an intermarried citizen for yourself? A Intermarried.
Q What is your father's name? A Philip Marcum.
Q Is he living? A Yes sir.
Q Is he a white man? A Yes sir.
Q What is your mother's name? A Mahala Marcum.
Q Is she a white person or a citizen of the Choctaw Nation? A She's a white person.
Q Is she living or dead? A Dead.
Q What is your wife's name? A A Delia Marcum, or Cordelia.
Q How old is she? A Why, she was born in 1875; twenty-seven, I suppose.
Q Twenty-seven years old; is she a Choctaw or a white person? A Claims to be a Choctaw.
Q What was her father's name? A Reuben Beal.
Q What was her mother's name? A Mary Jane Beal.
Q Is her mother and father both living? A yes sir.
Q When were you and your wife married? A Well sir, it's been the last time----we have been married twice.
Q Well, when were you first married? A It was-----well, I really don't know, but it's been about ten years though, I think.
Q About ten years ago? A Yes.
Q What law were you married under the first time? A The Texas law; married at Sherman, Texas
Q Married at Sherman, Texas; how long have you been living in the Territory? A Well sir, I have been living here about thirteen years, I believe.
Q You and your wife lived here ever since you were married in the Territory? A Yes sir, yes sir.
Q Never lived anywhere else? A No sir.
Q When were you married the second time? A It was just about a month before the Commission was at Durant; it was about three years ago, I reckon; I don't know.
Q Are you the same Henry Marcum that is mentioned in a license dated the 12th day of August, 1899, and issued by H. A. Johns, clerk of the County Court? A Yes sir.
Q Jacks Fork County? A Yes sir.
Q Is your wife the same person that is mentioned in that license as Miss Delia Beal? A Yes sir.
Q Of Coalgate? A Yes sir.
Q She was really then your wife at the time this license was issued was she, and her name was Marcum instead of Beal? A Yes sir.
Q But they gave her maiden name? A As Delia Beal, yes sir, he advised me that that was the proper way. I didn't know, of course.

Q You and your wife have never been separatedhave you? A No sir, no sir.
Q Still living together? A Yes sir.
Q How many children have you now? A Four.
Q What is the name of the oldest one? A Jesse.
Q How old is she now? A Well sir, he'll be ten years old the 12th of August, I believe, I am not sure. Nine or ten; ten I think it is.
Q What is the next one? A Claudie.
Q How old is he now? A He'll be seven year old in July I believe.
Q What is the next one? A Clarence.
Q How old is Clarence? A Clarence is four years old in February.
Q Four years old last February? A Yes sir.
Q What is the next one's name? A Lula, a girl.
Q How old is she now? A She'll be a year old in May.

Reference is made to the 1893 pay roll of the Choctaw Nation, page 75, where the name of the wife of this applicant and her oldest child appear at number 788 and 789 respectively; and also to the 1896 Choctaw census roll, where her name appears as Mrs. Delicit Marcum, page 223, No.8897, and the son Jesse on the same page, No.8900, and Claudie, on the same page, No.8901, as Kennedy Marcum.

Q Your wife has been recognized as a Choctaw by the Choctaw authorities has she? A Yes sir.
Q Has she ever been admitted by the Choctaw counsel that you know of A I couldn't say. Ever since we have been married I have been holding farms and permitting people and using the exercises of any other Indian.
Q Is there any other statement now that you desire to make? A I don't know of anything that would be necessary.

This case will now be considered upon the testimony and record as made up and on file with the Commission.

----------:----------

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on April 14, 1902, and that the above and foregoing is a full true and correct transcript of his stenographic notes in said cause on the said day of April, 1902.

Hal Belford

Subscribed and sworn to before me this 15 day of April, 1902.

Marcum Stallcord

Notary Public.

Choctaw D. #568.
Intermarried

Department of the Interior
Commission to the Five Civilized Tribes.
South McAlester, Indian Territory.
December 22, 1902.

-:-

In the matter of the application of Henry W. Marcum for enrollment as an intermarried citizen of the Choctaw Nation.

Henry W. Marcum being first duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Henry W. Marcum.
Q How old are you? A Thirty years old.
Q What is your post office address? A Cairo, at present.
Q Is that in the Choctaw Nation? A yes, sir.
Q Is that in the Choctaw Nation? A yes, sir.
Q How long have you been a resident of the Choctaw Nation? A Well sir, about 13 years.
Q Have you lived here continuously for the past thirteen years? A Yes, sir.
Q Never made your home any where else during that time? A No, sir.
Q Do you claim intermarried rights in the Choctaw Nation? A Yes, sir.
Q What is the name of your Choctaw wife through whom you claim these rights? A Why Delia Beal.
Q Is she a recognized and enrolled citizen of the Choctaw Nation? I drew District money on her and my child.
Q When were you married to Delia Beal? A I have been married to her twice, the first time was something about eleven years ago.
Q Where was this first marriage ceremony performed? A Denison got the license at Sherman.
Q It was under the laws of Texas? A Yes, sir.
Q Both residents of the Choctaw Nation? A Yes, sir.
Q Afterwards you were married a second time? A Yes, sir.
Q What was the date of this second marriage? A 5th or 6th of December, before the Commission was first at Durant.
Q Did you obtain a tribal license the second time? A Yes, sir.
Q From whom did you get that license? A In Jacks Fork county I have forgot the clerks name.
Q How much did you pay for that license? A Got scrip for $75
Q Who performed the second ceremony? A Well sir I don't know, I don't remember his name.
Q Were you ever married before your first marriage to Delia Beal? A No, sir.
Q Was she ever married before her first marriage to you? A No, sir she was only 14 years old.
Q Since that marriage have you lived together continuously as husband and wife up to the present time? A Yes, sir.
Q No separation of any kind whatsoever? A No, sir.
Q What was the reason of your second marriage? A I was advised to; I always believed it was good, the Commission always told me it was good.
Q Did you marry in order to comply with the tribal laws? A Yes, sir.

Choctaw D. #568.

Q. Are you at present living together as actual and bona fide residents of the Choctaw Nation? A. Yes, sir.

---o---

Chas. Diffendaffer being first duly sworn states, that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Chas. Diffendaffer.

Subscribed and sworn to before me this 5th day of January 1903.

Charles H. Sawyer

Notary public.

COPY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of William Albert Beal, et al., as citizens of the Choctaw Nation, consolidating the applications of—

William Albert Beal, et al.	7-B-18
Henry W. Marcum, et al.	7-B-568
Reuben Beal Jr., et al.	7-B-19
George Beal, et al.	7-B-719
Rosa Dills, et al.	7-B-75
Arthur Beal, et al.	7-B-384
John Peter Beal, et al.	7-B-383
Willie Gravitt, et al.	7-B417
Ada Ball Moore, et al.	7-B-389
William T. Beal	7-B-386

—:D E C I S I O N:—

It appears from the census card records of the Commission that on August 14, 1899 William Albert Beal appeared before the Commission and made personal application for the enrollment of himself and his two minor children, Samantha Beal and Beulah Beal, as citizens by blood of the Choctaw Nation; that on August 18, 1899 Henry W. Marcum appeared before the Commission and made personal application for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Cordelia Marcum, and their three minor children, Jesse Marcum, Claudie Marcum and Clarence Marcum, as citizens by blood, of the Choctaw Nation; that on August 14, 1899 Reuben Beal Jr. appeared before the Commission and made personal application for the enrollment of himself and his minor child, Cora Beal, as citizens by blood, and for the enrollment of his wife, Eliza Beal (now McCurry), as a citizen by intermarriage, of the Choctaw Nation; that on May 16, 1902 George Beal appeared before the Commission and made personal application for the enrollment of himself and his minor child, Willie Lovena Beal, as citizens by blood of the Choctaw Nation; that on August 14, 1899 Rosa Dills appeared before the Commission and made personal application for the enrollment of herself and her minor child, Mary L. Dills, as citizens by blood of the Choctaw Nation; that on August 17, 1899 personal application was made to the Commission for the enrollment of Arthur Beal and Johnnie Beal as citizens

by blood of the Choctaw Nation; that on August 17, 1899 personal application was made to this Commission for the enrollment of John Peler Beal, Pony Beal and Roy May Beal as citizens by blood of the Choctaw Nation; that on August 18, 1899 personal application was made to this Commission for the enrollment of Willie Gravitt, Phelan Gravitt and Andy Gravitt as citizens by blood of the Choctaw Nation; that on August 16, 1899 personal application was made to this Commission for the enrollment of Ada Bell Beal (now Moore) and Annie Beal as citizens by blood of the Choctaw Nation; that on August 17, 1899 personal application was made to this Commission for the enrollment of William T: Beal as a citizen by blood of the Choctaw Nation and that written applications were made to this Commission for the enrollment of William D. Beal, Lulu Marcum, Benj. Lee Beal, Lether Lee Dills and Roy L. Moore, as citizens by blood of the Choctaw Nation on September 23, 1901, October 28, 1901, November 25, 1902, September 23, 1901 and May 16, 1902, respectively. The applications of those persons whose names are mentioned in the record herein and whose rights are not passed upon in this decision have heretofore been disposed of by the Commission.

It appears from the record herein and the census card records of the Commission that the applicants, William Albert Beal, Cordelia Marcum, Reuben Beal Jr., George Beal, Rosa Dills, Arthur Beal and Johnnie Beal, are the offspring of the marriage of Mary Beal, a white woman having no rights of Choctaw citizenship by blood, and Reuben Beal, who was admitted to citizenship in the Choctaw Nation by an act of the General Council of said nation, approved October 25, 1890, and whose name appears as number 9635 upon the lists prepared by this Commission under the act of Congress approved July 1, 1902 (32 Stat., 641), of persons entitled to enrollment as citizens by blood of the Choctaw Nation and approved by the Secretary of the Interior on February 4, 1903; that the applicants, John Peler Beal, Pony Beal and Roy May Beal, are the offspring of the marriage of Ailsey Beal, a white woman having no rights of Choctaw citizenship by blood, and Pinkney Beal, who was admitted to citizenship in the Choctaw Nation by said act of the General Council of said nation, above referred to, and whose name appears as number 9931 upon the lists prepared by this Commission under said act of Congress approved July 1, 1902, of persons entitled to enrollment as citizens by blood of the Choctaw Nation and approved by the Secretary of the Interior on February 4, 1903; that the applicants, Willie Gravitt, Phelan Gravitt and Andy Gravitt, are the offspring of the marriage of John Gravitt, a white man having no rights of Choctaw citizenship by blood, and Maggie Gravitt (nee Beal), who was admitted to citizenship in the Choctaw Nation by said act of the General Council of said nation, above referred to, and whose name appears as number 9748 upon the lists prepared by this Commission under said act of Congress approved July 1, 1902, of persons entitled to enrollment as citizens by blood of the Choctaw Nation and approved by

the Secretary of the Interior on February 4, 1903; that the applicants, Ada Bell Moore and Annie Beal, are the offspring of the marriage of Dennie Beal, a white woman having no rights of Choctaw citizenship by blood, and William C. Beal, who was admitted to citizenship in the Choctaw Nation by said act of the General Council of said nation, above referred to, and whose name appears as number 9954 upon the lists prepared by this Commission under said act of Congress approved July 1, 1902, of persons entitled to enrollment as citizens by blood of the Choctaw and approved by the Secretary of the Interior on February 4, 1905; that the applicant, William T. Beal, is the offspring of the marriage of Brown Beal, a white woman having no rights of Choctaw citizenship by blood and Andrew P. Beal, who was admitted to citizenship in the Choctaw Nation by said act of the General Council of said nation, above referred to, and whose name appears as number 10095 upon the lists prepared by this Commission under said act of Congress approved July 1, 1902, of persons entitled to enrollment as citizens by blood of the Choctaw Nation and approved by the Secretary of the Interior on February 4, 1903; that the applicants, Samantha Beal, Eulah Beal and William D. Beal, are the offspring of the marriage of the applicant, William Albert Beal, and Sallie Beal, a white woman having no rights of Choctaw citizenship by blood; that the applicants, Jesse Marcum, Claudie Marcum, Clarence Marcum and Eulu Marcum, are the offspring of the marriage of the applicants, Reuben Beal Jr. and Eliza McCurry (formerly Beal); that the applicant, Benj. Lee Beal, is the offspring of the marriage of the applicant, Reuben Beal Jr., and Rosie Beal, a white woman having no rights of Choctaw citizenship by blood; that the applicant, Willie Lovana Beal, is the offspring of the marriage of the applicant, George Beal, and Ada Beal, a white woman having no rights of Choctaw citizenship by blood; that the applicants, Mort M. Dills and Luther Lee Dills, are the offspring of the marriage of the applicant, Rosa Dills, and E. C. Dills, a white man having no rights of Choctaw citizenship by blood; and that the applicant, Roy L. Moore, is the offspring of the marriage of the applicant, Ada Bell Moore, and F. B. Moore, a white man having no rights of Choctaw citizenship by blood.

It further appears from the record herein that the applicants, William Albert Beal, Cordelia Marcum, Reuben Beal Jr., George Beal, Rosa Dills, Arthur Beal, Johnnie Beal, John Peter Beal, Pony Beal, Roy May Beal, Willie Gravitt, Phelan Gravitt, Andy Gravitt, Ada Bell Moore, Annie Beal and William T. Beal, were living on October 25, 1890, the date of the approval of said act of the General Council of the Choctaw Nation admitting their parents to citizenship in said nation, and that their names are not mentioned in said act of admission.

It appears from an examination of the tribal rolls in the possession of the Commission that the applicants, William Albert Beal, Samantha Beal, Cordelia Marcum, Jesse Marcum, Reuben Beal Jr., George Beal, Rosa Dills, Arthur Beal, Johnnie

Beal, John Peter Beal, Pony Beal, Roy May Beal, Willie Gravitt, Phelan Gravitt, Andy Gravitt, Ada Bell Moore, Annie Beal and William T. Beal, are identified upon the 1893 Choctaw Leased District Payment Roll, Blue County, numbers 61, 62, 788, 789, 54, 55, 59, 56, 57, 151, 152, 154, 507, 508, 509, 76, 77 and 156, respectively; and that the applicants, William Albert Beal, Samantha Beal, Cordelia Marcum, Jesse Marcum, Claudie Marcum, Reuben Beal Jr., George Beal, Rosa Dills, Arthur Beal, Johnnie Beal, John Peter Beal, Pony Beal, Roy May Beal, Willie Gravitt, Phelan Gravitt, Andy Gravitt, Ada Bell Moore, Annie Beal and William T. Beal, are identified upon the 1896 Choctaw Census Roll, numbers 1564, 1574, 8897, 8900, 8901, 1565, 1566, 1567, 1568, 1569, 1625, 1626, 1627, 4866, 4867, 4868, 1541, 1542 and 1546, respectively; said applicants being enrolled on said rolls as citizens by blood of said nation. The applicants, Bulah Beal, William D. Beal, Clarence Marcum, Lulu Marcum, Cora Beal, Benj. Lee Beal, Millie Levana Beal, Nora M. Dills, Lether Lee Dills and Roy L. Moore, having been born subsequent to the preparation of said 1896 Choctaw Census Roll, are identified by proper birth certificates, filed with and made a part of the record in this case.

It further appears from the record herein that the applicant, Henry W. Marcum, a white man, was first married to the applicant, Cordelia Marcum (nee Beal), under the laws of the State of Texas about 1892; that subsequently, on August 13, 1899, said parties were married in accordance with the laws, customs and usages of the Choctaw Nation; that at the time of said last mentioned marriage both of said parties were residents in good faith of the Choctaw Nation and that they lived together continuously in said nation as husband and wife from the date of said last mentioned marriage up to and including September 25, 1902.

It further appears from the record herein that the applicant, Eliza McCurry, a white woman, was on August 30, 1896 lawfully married to the applicant, Reuben Beal Jr.; that at the time of said marriage both of said parties were residents in good faith of the Choctaw Nation; that they lived together continuously as husband and wife from the date of said marriage until about January, 1898, when they separated and were divorced on August 15, 1900; that on September 23, 1900 the applicant, Eliza McCurry, was lawfully married to Walter McCurry, a white man having no rights of Choctaw citizenship by blood; and that the said Eliza McCurry had been a resident in good faith of the Choctaw Nation from the date of her said marriage with the said Reuben Beal Jr. up to and including September 25, 1902.

It further appears from the record in this case that all the applicants herein, who were then living, were on June 28, 1898 residents in good faith of Indian Territory.

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of James M. McNolts, et al. (I.T.D. 8490-1903), William Albert Beal, Samantha Beal, Bulah Beal, William D. Beal, Cordelia Marcum, Reuben Beal Jr., Claudie Marcum, Jesse Marcum, Clarence Marcum, Lulu Marcum, Cora Beal, Benj. Lee Beal, George Beal, Millie Levana Beal, Rosa Dills, Nora M. Dills, Lether Lee Dills, Arthur

[redacted]

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tams Bixby.
[redacted]

T. B. Needles.
Commissioner.

C. R. Breckinridge.
Commissioner.

Muskogee, Indian Territory,
OCT 15 1904

MARRIAGE LICENSE.

Choctaw Nation, } ss. To any person authorized by law to solemnize marriages—
Jackson County. } Greeting:

You are hereby commanded to solemnize the Rite and publish the Banns of Matrimony between Mr. Henry H. Marcum, *of* Coalgate, *in the* Indian Territory *aged* 26 *years, a citizen of the* United States, *and Miss* Delia Beal *of* Coalgate, *a citizen of the* Choctaw Nation *in the* Indian Territory, *aged* 25 *years, according to law, and do you officially sign and return this license to the parties therein named.*

Witness my hand and official seal, this 12 th *day of* August *A. D., 189*9

H. A. Johns
Clerk of the County Court.

By _____ Deputy.

CERTIFICATE OF MARRIAGE.

Choctaw Nation, } ss. I, A Minister of the Gospel
Jackson County. } W. F. Hargrave

Do hereby certify, that on the 13 *day of* August, *A. D., 189*9, *I did duly, and according to law, as commanded in the foregoing license, solemnize the Rite and publish the Banns of Matrimony between the parties therin named.*

Witness my hand this 13 *day of* August, *A. D., 189*9

W. F. Hargrave
A Gospel Minister

CHOCTAW.

INDEXED

COMMISSION TO THE FIVE TRIBES.

	Received	ANSWERED	
	MAR 31 1903	Book	Page

Application for Enrollment of

INFANT CHILD

Clarence Marcum

as a citizen of

Choctaw Nation.

Approved APR 1 1903 190

C. R. Breckinridge

Commissioner.

Proof of birth of child for whom application was made 6/4/1900.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
APR 1 1903

CHAIRMAN.

1

CHOCTAW.

D568

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In Re Application for Enrollment, as a citizen of the Choctaw Nation,

of Clarence Marcum, born on the 18 day of Feby, 1898

(Here insert name of child)

Name of Father: Henry W Marcum a citizen of the Choctaw Nation.

Name of Mother: Cordelia Marcum a citizen of the Choctaw Nation.

Post-office Cairo Ill.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY. } Central District.

I, Cordelia Marcum, on oath state that I am 27 years of age and a citizen, by Blood, of the Choctaw Nation; that I am the lawful wife of Henry W Marcum, who is a citizen, by Marriage, of the Choctaw Nation; that a male (Male or female) child was born to me on 18 day of Feby 1898; that said child has been named Clarence Marcum, and is now living. Cordelia Marcum

WITNESSES TO MARK:

J

Frank M Colville

Geo S Gray

(Must be Two Witnesses.)

Subscribed and sworn to before me this 30 day of March 1903

J R Perry NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, ~~INDIAN TERRITORY.~~ } ~~County of Fannin~~ ~~District.~~

I, Lillie V. Adams, a mid wife, on oath state that I attended on Mrs. Cordilia Marcum, wife of Henry W. Marcum on the 18th day of February, 1898; that there was born to her on said date a male (MALE OR FEMALE) child; that said child is now living and is said to have been named Clarence Marcum

Lillie V. Adams

WITNESSES TO MARK:

P. C. Thurmond

L. J. Bizzell

(Must be Two Witnesses)

Subscribed and sworn to before me this 27th day of March 1903.

P. C. Thurmond Notary Public

Fannin County, Texas NOTARY PUBLIC.

CHOCTAW.

20

IN RE

Application for Enrollment of

INFANT CHILD.

Lulu Marcum

As a citizen of the

Choctaw Nation.

Approved OCT 28 1901 1

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT 28 1901

ACTING CHAIRMAN

CTAW.

Department of the Interior,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Choctaw Nation,
of Lulu Marcum, born on the 27 day of May, 1901.
Name of father: Henry W Marcum, a citizen of the Choctaw Nation.
Name of mother: Cordelia Marcum, a citizen of the Choctaw Nation.
Post Office: Coalgate I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Central District.

I, Cordelia Marcum, on oath, state that I am 26 years of age and a citizen, by Blood, of the Choctaw Nation; that I am the lawful wife of Henry W Marcum who is a citizen, by Marriage, of the Choctaw Nation; that a female child was born to me on the 27 day of May, 1901; that said child has been named Lulu Marcum and is now living.

~~Cordelia~~ Cordelia Marcum

Subscribed and sworn to before me this 20 day of July, 1901

J. A. Perry
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Central District.

I, Liddie Ann Sidwell a Midwife, on oath, state that I attended on Mrs. Cordelia Marcum, wife of Henry W Marcum on the 27 day of May, 1901; that there was born to her on said date a female child; that said child is now living and is said to have been named Lula Marcum.

C. R. Badgett witness Liddie Ann Sidwell
J. R. Badgett

Subscribed and sworn to before me this 25 day of Oct, 1901.

J. R. Badgett
Notary Public.

Muscogee, Indian Territory,

August 18th, 1900.

Henry Maroum,

Coalgate, Indian Territory,

Dear Sir:

You are hereby notifiedthat the Choctaw Nation, through its attorneys, Messrs McKennon, Mansfield, McMurray, Cornish, has filed with this Commission a notice of protest to your enrollment and the enrollment of Celia, Jesse, Claudie, and ClarenceMaroum as citizens of the Choctaw Nation.

The Commission, commencing December 3rd, 1900, will hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Acting Chairman.

7-D-568.

Muskogee, Indian Territory, September 18, 1900.

Henry Marcum,

Coalgate, Indian Territory.

Dear Sir:-

Since notifying you on August 18, 1900, of the protest filed by the Choctaw Nation to your enrollment as a citizen of the Choctaw Nation, the Commission has been furnished by the Nation with the grounds upon which objection is made to your enrollment. The protest to your enrollment is, that you have never been admitted by the Choctaw Nation.

The Commission is in possession of a sufficient statement of facts upon which a decision may be rendered and in your case it will not be necessary for you to appear at the appointment at Atoka beginning December 3rd, 1900.

The Commission will accept and consider any written arguments on questions of law submitted on behalf of the Choctaw Nation at any time prior to February 1st, 1901, and on your behalf at any time prior to March 1st, 1901.

As soon thereafter as practicable the Commission will consider and finally determine your right to enrollment and the decision of the Commission, stating fully its reasons for any action that may be taken, will be mailed to you.

Yours truly,

Acting Chairman.

7-D-568

Muskogee, Indian Territory, June 24, 1901.

Mr. Henry W. Maroum,
Coalgate, Ind. Ter.

Dear Sir:

The Commission is in receipt of an application for the enrollment as a citizen of the Choctaw Nation of Lula Maroum, the infant daughter of Henry W. and Cordelia Maroum, born May 27, 1901, and the same is returned to you herewith for the reason that it is improperly executed.

You are informed that the name of Cordelia Maroum should be signed to the affidavit of the mother, and that the name of Lydia Ann Tidwell should have been signed to the affidavit of the attending physician.

You are further informed that the rules of the Commission require the Notary Public taking the acknowledgements of the mother, the attending physician or nurse to affix his notarial jurat and impression seal to each separate affidavit.

There is enclosed you herewith a blank for the purpose of making a new application for the enrollment of this child as a citizen of the Choctaw Nation which, if returned to the Commission properly executed, will receive due consideration.

Yours truly,

McM. 111 & P.C.

Commissioner in charge.

Muskogee, Indian Territory, October 28, 1901.

Henry W. Marcum,

Coalgate, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the application for enrollment as a citizen of the Choctaw Nation of Lulu Marcum, the infant daughter of Henry W. and Cordelia Marcum, born May 27, 1901, and the same being in proper form has been accepted and filed with the records of this office as evidence of the birth of this child.

Yours truly,

Acting Chairman.

7-D-568

7-D-888.

Muskogee, Indian Territory, March 6, 1903.

Henry W. Marcum,

Coalgate, Indian Territory.

Dear Sir:

It does not appear from our records that any proof of birth of your minor child, Clarence Marcum, was ever filed with this Commission.

It will be necessary in the matter of the application for enrollment of this child that such proof be furnished, for which purpose there is enclosed herewith a blank application for the enrollment of an infant child, upon which may be stated the information desired.

In having same executed, be careful to see that all blanks are properly filled, all names written in full and in event either of the persons whose names are to be affixed to the affidavits are unable to write, and their signatures are by mark, that such signatures are attested by two disinterested parties, witnesses thereto.

The notary public before whom the same are acknowledged must affix his notarial jurat and seal to each separate affidavit.

Respectfully,

H.C. Chairman.

7-D-568.

Muskogee, Indian Territory, April 4, 1903.

Henry W. Marcum,

Cairo, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the affidavits of Cordelia Marcum and Lillie W. Adams relative to the birth of your minor son, Clarence Marcum, February 18, 1898; and the same being in proper form have been duly filed with the records of the Commission as evidence of birth of the above named child.

Respectfully,

Commissioner in Charge.

7-D568

C O P Y.

JOSEPH G. RAILS,
Attorney and Counselor,
Atoka, Ind. Ter. September 19, 1903.

Henry W. Marcum v. Choctaw Nation,
Cordelia Marcum, et al., v. Choctaw Nation.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:-

I have been employed by Mr. Henry W. Marcum to assist in the matter of the application of himself, his wife and four minor children, whose cases have not been finally disposed of by your Commission. His wife, Cordelia Marcum, was a Miss Beal,- the daughter of Reuben Beal and Mary Jane Beal. Reuben Beal and his wife were admitted to citizenship by an act of the Choctaw Council some years ago.

I desire to have the evidence taken and filed in behalf of James Buckholts, et al., considered as evidence in behalf of the applicants in this case, as the questions of law involved are to a large extent identical. I think the act admitting Reuben Beal as a Choctaw reads, "Reuben Beal and others, and their descendants."

A case that your Commission decided, in which I was interested, was of James M. Buckholts, et al., No. 7-D, 357; another was that of Miss Valeria E. Sutherland, No. 7-R, 291.

If there is any further evidence that should be filed in this case, I wish you would kindly notify me, so that if there is any defect in the proof of marriage, or in the birth of any

of these children I may supply the same, and make a perfect record.

Kindly let me hear from you at your earliest convenience, and when a decision is rendered remember to send me a copy of it.

Very respectfully,

(SIGNED) J. G. Ralls.

7-D-568.

Muskogee, Indian Territory, October 9, 1903.

J. G. Ralls,

Attorney-at-Law,

Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of September 19, 1903, in which you state that you desire to have the evidence taken and filed in behalf of James Buckholts, et al., considered as evidence in behalf of the applications in this case, as the questions of law involved are to a large extent identical. You also ask to be informed if there is any further evidence necessary in this case in order that you may introduce the same and make a perfect record.

In reply to are informed that if any further evidence is necessary to enable the Commission to determine the rights of the applicants in this case you will be notified thereof and will be furnished with a copy of the decision of the Commission therein.

Your request that the evidence filed in the application of James Buckholts, et al., be considered in connection with this case, has been made a matter of record.

Respectfully,

Chairman.

Choctaw D 568

Muskogee, Indian Territory, May 13, 1904.

W. H. Marcum,

Purcell, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of May 7, asking what disposition has been made of the application for enrollment as citizens by blood of the Choctaw Nation of Jessey, Claudy and Clarence Marcum, children of Cordelia Marcum, wife of Henry W. Marcum.

In reply to your letter you are advised that the Commission has not yet passed upon the application of Henry W. Marcum for the enrollment of himself, his wife, Delia Marcum, and their children, Jesse, Claudie and Clarence and Lula Marcum, as citizens of the Choctaw Nation. As soon as a decision is reached in this case the applicants will be notified of the action taken therein.

Respectfully,

Chairman.

7-D-868

Muskogee, Indian Territory, October 15, 1904.

COPY.

Henry W. Marcum,

Cairo, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered October 15, 1904, granting the application for the enrollment of yourself, as a citizen by intermarriage, and your wife, Cordelia Marcum, and children, Jesse Marcum, Claudie Marcum, Clarence Marcum and Lulu Marcum, as citizens by blood of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling the applicants herein as citizens of the Choctaw Nation. If at the expiration of that time no protest has been filed, your names will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Tams Bixby.

Chairman.

Registered.

Inal. 7-D-868

7-D-[illegible]

Muskogee, Indian Territory, October 15, 1904.

COPY.

J. G. Ralls,

Atterney at Law,

Atoka, Indian Territory.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on October 15, 1904, rendered its decision, granting the application for the enrollment of Henry W. Marcum, as a citizen by intermarriage, his wife, Cordelia Marcum, and children, Jesse Marcum, Claudie Marcum, Clarence Marcum and Lulu Marcum, as citizens by blood, of the Choctaw Nation, included in the consolidated case of William Albert Beal, et al.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicants as citizens of the Choctaw Nation. If at the expiration of that time no protest has been filed, their names will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Tams Bixby.

Registered .

Chairman.

MEMORANDA.

(Date) June 4 1900

Name Henry N. Maxwell

Choctaw? ✓ County Year No.

~~Chickasaw?~~ County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen? ✓

Married under what law?

License filed this day,

Wife's name, Della Beal Maxwell

Choctaw? ✓ County Year No.

~~Chickasaw?~~ County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day

Names of children:

	County	Year	Page	No.
7 Jessey Maxwell	County	Year	Page	No.
4 Claudia "	County	Year	Page	No.
2 Clarence "	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.

D 5-68

Choc 5842

George Beal

5842

No. 3 Granted June 22, 1905

Trans from Choc #D-719

Oct. 31, 1904

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, May 22, 1905.

--oOo--

In the matter of the alleged application for the enrollment of Ada Beal, as a citizen by inter-marriage of the Choctaw Nation.

Applicant is represented by Mr. Guy P. Cobb, ~~Durant~~ Tishomingo, Indian Territory

Ada Beal, being first duly sworn testifies, as follows:

EXAMINATION BY THE COMMISSION.

Q What is your name? A Ada Beal.
Q How old are you Mrs. Beal? A Twenty-four.
Q What is your post office address? A Silo.
Q Have you ever made an application to this Commission for enrollment? A My husband has.
Q Have you ever made an application in person? A With this child I have.
Q Have you ever appeared before this Commission to apply for enrollment? A No, sir.
Q Has anyone ever appeared before the Commission on your behalf?
A Yes, sir; my husband.
Q Your husband? A Yes, sir.
Q When was that? A Some time in 1902.
Q Where?A Caddo.
Q Did he appear before this Commission at that time and make application for your enrollment? A Yes, sir.
Q Do you know that of your own knowledge? A Yes, sir.
Q Were you with him at that time? A Yes, sir.
Q Do you know what was said by him to the Commission at that time?
A They told him they couldn't enroll me then?
Q Did you hear the Commission tell him? A No, sir; I didn't go with him to the office.
Q You didn't appear before the Commission yourself at all? A No, sir; not with him.
Q Was any application made for your enrollment, that you know of, at any other time? A No, sir.
Q What is the name of the Indian husband from whom you claim citizenship? A George Beal.
Q Is he a citizen by blood of the Choctaw Nation? A Yes, sir.

George Beal, husband of the applicant, is identified on Choctaw Field Card No. 5842 and No. 15716 upon the final roll of citizens by blood of the Choctaw Nation, approved by the Secretary December 2, 1904.

Q When were you married to George Beal? A In 1898.
Q Where were you living at the time you were married to him? A One mile north of Silo.
Q In what Nation? A Chickasaw Nation.
Q Where was he living at that time? A About three miles east of Silo, Indian Territory.
Q What Nation was he living in? A Chickasaw Nation.
Q Had you ever been married before you married him? A No, sir.
Q Was he ever married before he married you? A No, sir.

Q Since you were married to him, where have you lived? A One mile north of Silo.
Q Lived in the Chickasaw Nation all the time since you were married? A Yes, sir.
Q Were you ever separated from him? A No, sir.
Q Have you any children by George Beal? A I have two.
Q What are their names? A Millie Levina ---
Q How old is Millie Levina Beal? She was four years old the 13th of last November.
Q Has she been enrolled by this Commission? A Yes, sir.
Q Do you remember when application was made for her enrollment?
A Yes, sir.
Q When was it made? A In 1904.
Q Are you sure that application was not made for her enrollment earlier than 1904? A Yes, sir; but they wouldn't take us.
Q When was application first sent in for her enrollment? A I can't hardly remember, but I think it was in 1903, seems to me it was. I have been sick and I don't remember.
Q Was that application a personal application, or was it in writing? A Some of it was.
Q Do you remember what was written---? A No, sir; I was sick then and I can't say that I remember what it was.
Q What did you do with it? A We mailed it to the Commission.
Q At the time you made that application did you mail to the Commission any other papers? A No, sir.
Q Are you sure about that? A Her birth certificate is all we mailed.
Q Where were you married to George Beal? A Sherman, Texas.
Q How did it happen that you went to Texas to be married when you were living in the Chickasaw Nation at that time? A We just wanted to be going.
Q Did you get the marriage license in Texas? A Yes, sir.
Q And your marriage certificate also? A Yes, sir.
Q What did you do with that marriage license and certificate? A sent them to the Dawes Commission.
Q When was that you sent them to this Commission? A In May, 1902.
Q Was that at the same time you sent in the birth certificate for this child? A No, sir; that was in 1903.
Q Why did you send in that marriage license and certificate? A To show that I was lawfully married.
Q What was the occasion for showing that you were lawfully married?
A I wanted to enroll my child.
Q This child Millie you spoke about? A Yes, sir.
Q So you sent in this marriage license and certificate in connection with the enrollment of Millie Levina Beal? A Yes, sir.
Q As I understand it, you yourself did not appear before the Commission? A No, sir.
Q And all you know is what your husband told you? A Yes, sir.
Q Where was that application made? A Caddo.
Q And where were you living at that time? A One mile north of Silo.
Q Is that some distance from Caddo? A About ten miles, I believe.
Q Why didn't you go with your husband to Caddo at that time? A I was sick.
Q What did he go to Caddo to appear before the Commission for?
A To make application for me.
Q Why didn't you go with him? A I was sick; I had a child.

BY MR. COBB:
Q Mrs. Beal, when this marriage certificate was furnished to the Commission was it to assist in your enrollment? A Yes, sir.

Witness excused.

GEORGE BEAL.

George Beal, being first duly sworn, testifies, as follows:

EXAMINATION BY THE COMMISSION:

Q What is your name? A George Beal?
Q How old are you? A Twenty-four years old.
Q Your post office address is Silo? A Yes, sir.
Q Are you the husband of Ada Beal? A Yes, sir.
Q What do you know about an application said to have been made for her enrollment as a citizen by inter-marriage of the Choctaw Nation? A I know I tried to make an application, but they wouldn't let me.
Q You mean that you tried to get her enrolled? A Yes, sir.
Q When did you try to get her enrolled? A I tried at Caddo.
Q Do you remember what year it was? A No, I don't.
Q Did you make an application to this Commission for the enrollment of your child, Levina Beal? A Yes, sir.
Q Do you remember when that was? A November, 1903.
Q In 1903? A I think so.
Q Was your appearance at Caddo before or after you made this application for this child? A It was before.
Q How long before? A About six or seven months.
Q Can't you remember what year it was you appeared at Caddo? A No, I can't.
Q Who did you see there? A I saw all of them.
Q All of who? Negroes and everybody else.
Q Didn't you appear before the Dawes Commission at that time? A No, sir; they wouldn't let me.
Q Didn't you go in to see them about something? A Yes, sir.
Q Who did you see? A An old-like man.
Q Don't you know his name? A No, sir.
Q What did he say to you? A He said I didn't have any business in there and to get out.
Q Didn't you tell him what you were there for? A Yes, sir.
Q What did you tell him? A I told him I wanted to make application for my wife.
Q After you told him what did he say? A He said I didn't have much business in there and to get out.
Q Didn't he tell you anything but that? A No, sir.
Q Didn't he ask you if you were a citizen by blood of the Choctaw Nation? A He might have asked me that.
Q Well, didn't he? A Yes, sir.
Q Did he ask you anything about when you were married to your wife? A No, sir.
Q Didn't say anything else but that you didn't have any business in there? A No, sir.
Q When were you married to Ada Beal? A 1898.
Q Where were you married? A Sherman, Texas.
Q Where was your home at that time? A Three miles east of Silo.
Q In the Chickasaw Nation? A Yes, sir.
Q Had you been married to anybody else at the time you married your present wife? A No, sir.
Q Have you ever been separated from your wife? A No, sir.

BY MR. COBB.

Q Mr. Beal, the records of the Commission to the Five Civilized Tribes show that you filed a certificate of marriage between you and Ada Wingate May 16, 1902; was that filed about the time you made application or tried to make application --- ? A Yes, sir.

Q When you state that you tried to make application in 1903, you were mistaken, and meant 1902; didn't you? A Yes, sir.
Q Did you furnish the Commission with affidavits of birth of your child? A Yes, sir.
Q At the time you furnished the Commission with the birth affidavits and that certificate of marriage it was your intention to make application for your wifes enrollment? A Yes, sir.
Q When was your enrollment approved? A 1904, if I make no mistake.
Q At the time the Commission refused to permit you to make a formal application for the enrollment of your wife; did they state why they refused? A No, sir.

The applicant desires to call the attention of the Commission to that part of their own record which shows the certificate of marriage between George Beal and Ada Wingate, which was filed on the 16th day of May, 1902, which also shows the birth affidavit covering the birth of Millie Levina Beal made by the applicant, in which she states the facts that she is a citizen by intermarriage of the Chootaw Nation, the same having been filed May 16, 1902; also that part of the record which shows the enrollment of George Beal, husband of the applicant, which was not approved until October, 1904.

BY THE COMMISSION:

Q You state that you were mistaken when you said that 1903 was when you appeared before the Commission? A Yes, sir.
Q What year was it you appeared? A 1902.
Q Did you appear before the Commission at Caddo before you filed your marriage license or was it after? A Before I filed them.
Q You appeared first at Caddo and then later filed your marriage license? A Yes, sir; sent them by mail.

Witness excused.

Vester W. Rose, stenographer to the Commission to the Five Civilized Tribes, on oath states that he reported all the proceedings had in the above entitled case at Muskogee, Indian Territory, on the 22nd day of May, 1905, and that the above is a full, true and correct transcript of his stenographic notes in said case.

Vester W. Rose

Subscribed and sworn to before me this 23rd day of May 1905.

Myron White
Notary Public.

COPY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of William Albert Beal, et al., as citizens of the Choctaw Nation, consolidating the applications of--

William Albert Beal, et al.----------7-B-18
Henry W. Marcum, et al.----------7-D-568
Reuben Beal Jr., et al.----------7-B-19
George Beal, et al.----------7-B-719
Rosa Dills, et al.----------7-B-75
Arthur Beal, et al.----------7-B-364
John Tyler Beal, et al.----------7-B-363
Willie Gravitt, et al.----------7-3417
Ada Bell Moore, et al.----------7-B-369
William T. Beal----------7-B-366

--: D E C I S I O N :--

It appears from the census card records of the Commission that on August 14, 1899 William Albert Beal appeared before the Commission and made personal application for the enrollment of himself and his two minor children, Samantha Beal and Dulah Beal, as citizens by blood of the Choctaw Nation; that on August 16, 1899 Henry W. Marcum appeared before the Commission and made personal application for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Cordelia Marcum, and their three minor children, Jesse Marcum, Minnie Marcum and Clarence Marcum, as citizens by blood, of the Choctaw Nation; that on August 14, 1899 Reuben Beal Jr. appeared before the Commission and made personal application for the enrollment of himself and his minor child, Cora Beal, as citizens by blood, and for the enrollment of his wife, Eliza Beal (nee McCarty), as a citizen by intermarriage, of the Choctaw Nation; that on May 16, 1902 George Beal appeared before the Commission and made personal application for the enrollment of himself and his minor child, Willie Lovana Beal, as citizens by blood of the Choctaw Nation; that on August 16, 1899 Rosa Dills appeared before the Commission and made personal application for the enrollment of herself and her minor child, Bob M. Dills, as citizens by blood of the Choctaw Nation; that on August 17, 1899 personal application was made to this Commission for the enrollment of Arthur Beal and Thomas

Beal as citizens by blood of the Choctaw Nation; that on August 17, 1899 personal application was made to this Commission for the enrollment of John Paler Beal, Pony Beal and Roy May Beal as citizens by blood of the Choctaw Nation; that on August 15, 1899 personal application was made to this Commission for the enrollment of Willie Gravitt, Phelan Gravitt and Andy Gravitt as citizens by blood of the Choctaw Nation; that on August 16, 1899 personal application was made to this Commission for the enrollment of Ada Bell Beal (now Moore) and Annie Beal as citizens by blood of the Choctaw Nation; that on August 17, 1899 personal application was made to this Commission for the enrollment of William T. Beal as a citizen by blood of the Choctaw Nation and that written applications were made to this Commission for the enrollment of William D. Beal, Lulu Marcum, Benj. Lee Beal, Lether Lee Dills and Roy L. Moore, as citizens by blood of the Choctaw Nation on September 23, 1901, October 28, 1901, November 25, 1902, September 25, 1901 and May 14, 1902, respectively. The applications of those persons whose names are mentioned in the record herein and whose rights are not passed upon in this decision have heretofore been disposed of by the Commission.

It appears from the record herein and the census card records of the Commission that the applicants, William Albert Beal, Cordelia Marcum, Reuben Beal Jr., George Beal, Rosa Dills, Arthur Beal and Johnnie Beal, are the offspring of the marriage of Mary Beal, a white woman having no rights of Choctaw citizenship by blood, and Reuben Beal, who was admitted to citizenship in the Choctaw Nation by an act of the General Council of said nation, approved October 25, 1890, and whose name appears as number 9655 upon the lists prepared by this Commission under the act of Congress approved July 1, 1902 (32 Stat., 641), of persons entitled to enrollment as citizens by blood of the Choctaw Nation and approved by the Secretary of the Interior on February 4, 1903; that the applicants, John Paler Beal, Pony Beal and Roy May Beal, are the offspring of the marriage of Ailsey Beal, a white woman having no rights of Choctaw citizenship by blood, and Pinkney Beal, who was admitted to citizenship in the Choctaw Nation by said act of the General Council of said nation, above referred to, and whose name appears as number 9951 upon the lists prepared by this Commission under said act of Congress approved July 1, 1902, of persons entitled to enrollment as citizens by blood of the Choctaw Nation and approved by the Secretary of the Interior on February 4, 1903; that the applicants, Willie Gravitt, Phelan Gravitt and Andy Gravitt, are the offspring of the marriage of John Gravitt, a white man having no rights of Choctaw citizenship by blood, and Maggie Gravitt (nee Beal), who was admitted to citizenship in the Choctaw Nation by said act of the General Council of said nation, above referred to, and whose name appears as number 9746 upon the lists prepared by this Commission under said act of Congress approved July 1, 1902, of persons entitled to enrollment as

citizens by blood of the Choctaw Nation and approved by the Secretary of the Interior on February 4, 1903; that the applicants, Ada Bell Moore and Annie Beal, are the offspring of the marriage of Dennis Beal, a white woman having no rights of Choctaw citizenship by blood, and William C. Beal, who was admitted to citizenship in the Choctaw Nation by said act of the General Council of said nation, above referred to, and whose name appears as number 9954 upon the lists prepared by this Commission under said act of Congress approved July 1, 1902, of persons entitled to enrollment as citizens by blood of the Choctaw Nation and approved by the Secretary of the Interior on February 4, 1903; that the applicant, William T. Beal, is the offspring of the marriage of Brown Beal, a white woman having no rights of Choctaw citizenship by blood and Andrew P. Beal, who was admitted to citizenship in the Choctaw Nation by said act of the General Council of said nation, above referred to, and whose name appears as number 10095 upon the lists prepared by this Commission under said act of Congress approved July 1, 1902, of persons entitled to enrollment as citizens by blood of the Choctaw Nation and approved by the Secretary of the Interior on February 4, 1903; that the applicants, Samantha Beal, Eulah Beal and William D. Beal, are the offspring of the marriage of the applicant, William Albert Beal, and Sallie Beal, a white woman having no rights of Choctaw citizenship by blood; that the applicants, Jesse Marcum, Claudie Marcum, Clarence Marcum and Lulu Marcum, are the offspring of the marriage of the applicants, Cordelia Marcum and Henry W. Marcum; that the applicant, Cora Beal, is the offspring of the marriage of the applicants, Reuben Beal Jr. and Eliza McCurry (formerly Beal); that the applicant, Benj. Lee Beal, is the offspring of the marriage of the applicant, Reuben Beal Jr., and Mamie Beal, a white woman having no rights of Choctaw citizenship by blood; that the applicant, Millie Levana Beal, is the offspring of the marriage of the applicant, George Beal, and Ada Beal, a white woman having no rights of Choctaw citizenship by blood; that the applicants, Nora M. Dills and Lether Lee Dills, are the offspring of the marriage of the applicant, Rosa Dills, and L. C. Dills, a white man having no rights of Choctaw citizenship by blood; and that the applicant, Ray L. Moore, is the offspring of the marriage of the applicant, Ada Bell Moore, and F. T. Moore, a white man having no rights of Choctaw citizenship by blood.

It further appears from the record herein that the applicants, William Albert Beal, Cordelia Marcum, Reuben Beal Jr., George Beal, Rosa Dills, Arthur Beal, Johnnie Beal, John Peter Beal, Pony Beal, Ray May Beal, Willie Gravitt, Thelma Gravitt, Andy Gravitt, Ada Bell Moore, Annie Beal and William T. Beal, were living on October 25, 1890, the date of the approval of said act of the General Council of the Choctaw Nation admitting their parents to citizenship in said nation, and that their names are not mentioned in said act of admission.

It appears from an examination of the tribal rolls in the possession of the Commission that the applicants, William Albert Beal, Samantha Beal, Cordelia Marcum, Jesse Marcum, Reuben Beal Jr., George Beal, Rosa Dills, Arthur Beal, Johnnie Beal, John Peter Beal, Pony Beal, Ray May Beal, Willie Gravitt, Phelan Gravitt, Andy Gravitt, Ada Bell Moore, Annie Beal and William T. Beal, are identified upon the 1893 Choctaw Leased District Payment Roll, Blue County, numbers 61, 62, 788, 789, 54, 55, 89, 86, 87, 151, 152, 154, 507, 508, 509, 76, 77 and 156, respectively; and that the applicants, William Albert Beal, Samantha Beal, Cordelia Marcum, Jesse Marcum, Claudie Marcum, Reuben Beal Jr., George Beal, Rosa Dills, Arthur Beal, Johnnie Beal, John Peter Beal, Pony Beal, Ray May Beal, Willie Gravitt, Phelan Gravitt, Andy Gravitt, Ada Bell Moore, Annie Beal and William T. Beal, are identified upon the 1896 Choctaw Census Roll, numbers 1564, 1574, 8897, 8900, 8901, 1565, 1566, 1567, 1568, 1569, 1625, 1626, 1627, 4866, 4867, 4868, 1541, 1542 and 1546, respectively; said applicants being enrolled on said rolls as citizens by blood of said nation. The applicants, Eulah Beal, William D. Beal, Clarence Marcum, Lulu Marcum, Cora Beal, Benj. Lee Beal, Millie Lavana Beal, Nora M. Dills, Lether Lee Dills and Ray L. Moore, having been born subsequent to the preparation of said 1896 Choctaw Census Roll, are identified by proper birth certificates, filed with and made a part of the record in this case.

It further appears from the record herein that the applicant, Henry W. Marcum, a white man, was first married to the applicant, Cordelia Marcum (nee Beal), under the laws of the State of Texas about 1892; that subsequently, on August 13, 1899, said parties were married in accordance with the laws, customs and usages of the Choctaw Nation; that at the time of said last mentioned marriage both of said parties were residents in good faith of the Choctaw Nation and that they lived together continuously in said nation as husband and wife from the date of said last mentioned marriage up to and including September 25, 1902.

It further appears from the record herein that the applicant, Eliza McCurry, a white woman, was on August 30, 1896 lawfully married to the applicant, Reuben Beal Jr.; that at the time of said marriage both of said parties were residents in good faith of the Choctaw Nation; that they lived together continuously as husband and wife from the date of said marriage until about January, 1898, when they separated and were divorced on August 15, 1900; that on September 23, 1900 the applicant, Eliza McCurry, was lawfully married to Walter McCurry, a white man having no rights of Choctaw citizenship by blood; and that the said Eliza McCurry had been a resident in good faith of the Choctaw Nation from the date of her said marriage with the said Reuben Beal Jr. up to and including September 25, 1902.

It further appears from the record in this case that all the applicants herein, who were then living, were on June 28, 1898 residents in good faith of Indian Territory.

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of James M. Buckhelts, et al. (I.T.D. 8490-1903), William Albert Beal, Samantha Beal, Eulah Beal, William D. Beal, Cordelia Marcum, Jesse Marcum, Claudie Marcum, Clarence Marcum, Lulu Marcum,

Reuben Neal Jr., Cora Neal, Benj. Lee Neal, George Neal, Millie Lorene Neal, Rose Dills, Mark L. Dills, Luther Lee Dills, Arthur Neal, Johnnie Neal, John Tyler Neal, Tony Neal, Ray Ray Neal, Willie Gravitt, Thelma Gravitt, Andy Gravitt, Ada Bell Moore, Annie Neal, Ray L. Moore and William L. Neal should be enrolled as citizens by blood of the Choctaw Nation; that Henry W. Marcum should be enrolled as a citizen by intermarriage of said nation; and that, following the ruling of the Department in the case of Thornton D. Pearce (I.T.D. 4060-1904), relative to the question of forfeiture, Mina McCurry should be enrolled as a citizen by intermarriage of said nation in accordance with the provisions of the acts of Congress approved June 28, 1898 (30 Stat., 495) and July 1, 1902 (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tams Bixby.
Chairman.

T.B. Needles.
Commissioner.

C.R. Breckinridge.
Commissioner.

Muskogee, Indian Territory.
OCT 15 1904.

Memorandum 80.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Ada Beal as a citizen by intermarriage of the Choctaw Nation.

- - : D E C I S I O N : - -

It appears from the record herein that on May 22, 1905, Ada Beal appeared in person before the Commission at Muskogee, Indian Territory, and presented testimony relative to an application alleged to have been made for her enrollment as an intermarried citizen of the Choctaw Nation within the time limited by the provisions of the Act of Congress approved July 1, 1902, (32 Stats., 641).

The applicant testifies that application was made by her husband, George Beal, at Caddo, Indian Territory, sometime in 1902, but that as she did not appear before the Commission herself, she does not know what was said to or by her husband at that time.

George Beal, the husband of the applicant, testifies that he appeared before the Commission at Caddo, Indian Territory, in 1902, and tried to make application for the enrollment of his wife, but was told that he had no business there.

It appears from the records of the Commission that on May 16, 1902, there was filed with the Commission the original marriage license and certificate of the marriage of the applicant herein to the said George Beal on December 20, 1898, and on the same day there was also filed written application for the enrollment of Millie Levana Beal, in which application it is stated that the applicant herein, Ada Beal, is the wife of said George Beal, and that he is a citizen by blood of the Choctaw Nation.

It further appears from the record herein that on December 20, 1898, the applicant was lawfully married under the laws of the state of Texas, and in that state, to George Beal, a recognized and enrolled citizen by blood of the Choctaw Nation, whose name appears as No. 15716 upon the lists prepared by this Commission under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), of persons entitled to enrollment as citizens by blood of the Choctaw Nation, and approved by the Secretary of the Interior December 2, 1904; that at the date of said marriage both the persons above mentioned were residents in good faith of the Chickasaw Nation, and that they lived together in said nation as husband and wife continuously since that date up to and including September 25, 1902.

It is the opinion of this Commission that the filing of said marriage license and certificate, and of said written application for the enrollment of said Millie Levana Beal on

May 16, 1902, should be considered as sufficient application for the enrollment of the applicant herein, Ada Beal, made as of the date that the same was filed.

It is further the opinion of this Commission that, following the ruling of the Department in the case of Ella Jones, (I.T.D.6818-1904), Ada Beal should be enrolled as a citizen by intermarriage of the Choctaw Nation in accordance with the provisions of the Acts of Congress approved June 28, 1898 (30 Stats., 495), and July 1, 1902 (32 Stats., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

JUN 22 1905

7-5642.

Muskogee, Indian Territory, June 24, 1905.

Ada Beal,

Silo, Indian Territory.

Copy.

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered on June 22, 1905, granting the application for your enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling you as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, your name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

ONED Tams Bixby

Chairman.

Registered.

Incl. Memorandum 60.

7-5842.

Muskogee, Indian Territory, June 24, 1905.

Guy P. Cobb,

Attorney at Law,

Ardmore, Indian Territory.

COPY.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on June 22, 1905, rendered its decision, granting the application for the enrollment of Ada Beal as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, her name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully, Tams Bixby

Registered.

Chairman.

7-5842.

Muskogee, Indian Territory, June 24, 1905.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

COPY.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered June 22, 1905, granting the application for the enrollment of Ada Beal as a citizen by intermarriage of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, her name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED Tams Bixby

Chairman.

Registered.

Incl. Memorandum 80.

See 7-5952 for registry receipt for this letter.

No. _____

Marriage License.

AND

Issued the _____ day of

_____ 189_

Clerk County Court _____ Co.

By _____ Deputy.

Filed the _____ day of

_____ 189_

Clerk County Court _____ Co.

By _____ Deputy.

Recorded in Book _____ Page _____ of Marriage Records.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAY 16 1902

ACTING CHAIRMAN.

CHOCTAW.

D 719



To any Judge of the District Court, Judge of the County Court, Ordained or Licensed Minister Jewish Rabbi, or Justice of the Peace of Grayson County Greeting:

You are Hereby Authorized to Celebrate the

RITES OF MATRIMONY

Between George Beal

and Ada Hingate

and make due return to the Clerk of said Court within sixty days thereafter, certifying your action under this License.

(LS) Witness my Official Signature and Seal this 20 day of Dec 1898

L M Tuck Clerk

By Tom Everheart Deputy

I C B Sale certify that on the 20 day of Dec 1898 I united in Marriage George Beal and Ada Hingate the parties above named.

Witness my hand this 20 day of Dec 1898

C. B. Sale J. P.

Returned and filed for record the ____ day of ____ 189_

and recorded the ____ day of ____ 189_

____ Deputy ____ County Clerk

Clarke & Courts, Stationers, Printers & Lithographers, Galveston.

CHOCTAW.

80

IN RE

Application for Enrollment of

INFANT CHILD

Millie Levana Beal

as a citizen of the

Choctaw *Nation.*

Approved MAY 16 1902 *190*

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAY 16 1902

ACTING CHAIRMAN.

CHOCTAW.

D 710

BIRTH AFFIDAVIT. 30

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,
of Millie Lerma (Here insert name of child.), born on the 13 day of Nov, 1902
Name of Father: George Beal, a citizen of the Choctaw Nation.
Name of Mother: Ada Beal, a citizen of the U. S. Nation.
Post-Office: Sils

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, }
Sequoyah District. }

I, Ada Beal, on oath state that I am 23 years of age and a citizen, by marriage, of the Choctaw Nation; that I am the lawful wife of George Beal, who is a citizen, by Blood, of the Choctaw Nation, that a Female (Male or female.) child was born to me on the 4 day of Nov 1902; that said child has been named Millie Lerma, and is now living.

Ada Beal

WITNESSES TO MARK:

(Must be Two Witnesses.) }

Subscribed and sworn to before me this 9 day of May 1903.

G F Beck
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, }
Sequoyah District. }

I, R. D. Montgomery, a M D., on oath state that I attended on Mrs. Ada Beal, wife of George Beal, on the 13 day of Nov, 1902; that there was born to her on said date a Female (Male or female.) child; that said child is now living and is said to have been named Millie Lerma Beal

R D Montgomery M.D.

WITNESSES TO MARK:

(Must be Two Witnesses.) }

Subscribed and sworn to before me this 9 day of May 1903.

G F Beck
Notary Public.

Muskogee, Indian Territory, April 8, 1902.

George Beals, or Beal,

Caddo, Indian Territory.

Dear Sir:

You are hereby notified that upon an examination of the 1896 Choctaw tribal census roll in the possession of the Commission to the Five Civilized Tribes it appears that the name of George Beals is enrolled thereon at page 39, No. 1566; whereon also appears the following notation: "Refused enrollment."

It does not appear from the records of the Commission that you have ever appeared in person before the Commission and made application to be enrolled as a citizen of the Choctaw Nation. You are therefore notified that such matter will be taken up for final consideration by the Commission at its office in Muskogee, Indian Territory, on Wednesday, the 14th day of May, 1902. On said date you may, if you so desire, appear before the Commission in person or by attorney, and introduce testimony showing why you should be listed for enrollment as a citizen of the Choctaw Nation by the Commission to the Five Civilized Tribes, under the following provisions of the act of June 28, 1898:

"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes [than Cherokee], eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship."

The representatives of the Choctaw Nation may at the same time introduce testimony affecting your right to enrollment, provided they give you ten days previous notice of their intention to do so.

Yours truly,

T. B. Needles

Commissioner in Charge.

Choctaw Special.

Muskogee, Indian Territory, April 9, 1902.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that an examination of the 1896 Choctaw tribal census roll, in the possession of the Commission to the Five Civilized Tribes, discloses that the name of George Beal or Beals appears thereon at page 39, No. 1566; whereon also appears the following notation: "Refused enrollment."

It does not appear from the records in the possession of the Commission that George Beal or Beals ever appeared before the Commission and made application for enrollment as a citizen of the Choctaw Nation.

You are hereby notified that this matter will be taken up for final consideration by the Commission at its office in Muskogee, Indian Territory, on Wednesday, the 14th day of May, 1902. On said date you may introduce testimony affecting said George Beal or Beal's right to enrollment as a citizen of the Choctaw Nation, provided ten days previous notice of your intention to do so has been given by you to said George Beal or Beals.

K - Ma - 0 - 2

You are further notified that the said George Beal or Beals will at the next time be given an opportunity to introduce testimony affecting his right to enrollment as a citizen of the Choctaw Nation.

Yours truly,

Commissioner in Charge.

7-D-719

Muskogee, Indian Territory, October 15, 1904.

COPY.

George Beal,

Caddo, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered October 15, 1904, granting the application for the enrollment of yourself and minor daughter, Millie Levana Beal, as citizens by blood of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling applicants herein as citizens of the Choctaw Nation. If at the expiration of that time no protest has been filed, your names will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Tams Bixby.

Chairman.

Registered.

Incl. 7-D-719.

Choctaw 8842

Muskogee, Indian Territory, October 25, 1904.

George Beal,

Caddo, Indian Territory,

Dear Sir:

In the matter of your enrollment as a citizen of the Choctaw Nation, you are requested to advise this office, as early as practicable, your age on September 25, 1902.

Respectfully,

Chairman.

Chectaw 3042

Muskogee, Indian Territory, October 21, 1904.

George Beal,

Dustin, Indian Territory,

Dear Sir:

You are requested to advise this office at once your age on September 25, 1902, in the matter of your enrollment as a citizen by blood of the Choctaw Nation. Please give this matter your immediate attention.

Respectfully,

Chairman.

Choctaw 3642

Muskogee, Indian Territory, November 10, 1904.

George Beal,

Caddo, Indian Territory,

Dear Sir:

Your attention is again invited to our recent letters of October 28 and October 31, 1904, requesting to be advised your age on September 25, 1902, to which no response has yet been received. This matter should have your immediate attention as the information is necessary in the matter of your enrollment as a citizen of the Choctaw Nation.

Respectfully,

Chairman.

Choctaw 5843

Muskogee, Indian Territory, November 16, 1904.

George Beal,

Silo, Indian Territory,

Dear Sir :

Receipt is hereby acknowledged of your letter of November 11, stating your age on September 25, 1902, and the same has been made a matter of record in your case.

Respectfully,

Chairman.

Choctaw 3566.

Muskogee, Indian Territory, April 10, 1905.

George Beal,

Silo, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the affidavits of Ada Beal and the joint affidavit of M. M. Wingate and B. E. Beal to the birth of Willis Franklin Beal, son of George and Ada Beal, January 30, 1905, and the same have been filed with our records as an application for the enrollment of said child.

Respectfully,

Commissioner in Charge.

7-26-m

Muskogee, Indian Territory, June 24, 1905.

Ada Beal,

Silo, Indian Territory.

Dear Madam:

You are requested to advise this office at once the names of your parents and whether they are living or dead and whether or not they claim to be possessed of Indian blood. This matter should receive your immediate attention.

Respectfully,

Chairman.

D. C. 31704-1905.

Silo, I. T. 6-27 1905.

Commission of Five Civilized Tribes

Muskogee, I. T.

Sirs:

My Father's name is Frank Wingate don't claim any "right" My Mother name is Mahala Wingate; don't claim any rite. Both are living lives about 1 1/4 miles North West of Silo, I. T.

Ada Beal,

Silo, I. T.

T-5843

Muskogee, Indian Territory, June 24, 1905.

Commissioner in Charge,
Choctaw Land Office,
Atoka, Indian Territory.

Dear Sir:

For the information of your office there is inclosed herewith copy of name and information this day placed at No. 3 on original Choctaw card No. 5843.

You will therefore make duplicate Choctaw card No. 5843 in your possession conform to the information contained thereon and add the name of this person to your list of undetermined applicants for enrollment as citizens of the Choctaw Nation.

Respectfully,

EB 1-24

Chairman.

7-5842

Muskogee, Indian Territory, June 24, 1905.

Commissioner in Charge,
Chickasaw Land Office,
Ardmore, Indian Territory.

Dear Sir:

For the information of your office there is inclosed herewith copy of name and information this day placed at No. 3 on original Choctaw card No. 5842.

You will therefore make duplicate Choctaw card No. 5842 in your possession conform to the information contained thereon and add the name of this person to your list of undetermined applicants for enrollment as citizens of the Choctaw Nation.

Respectfully,

Chairman.

EB 2-24

Choctaw 5048

Muskogee, Indian Territory, July 1, 1903.

Ada Neal,

Silo, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your letter of June 27, giving the names of your parents and stating that they are noncitizens, and this information has been made a part of the record in the matter of your enrollment as an intermarried citizen of the Choctaw Nation.

Respectfully,

Commissioner.

Choc 5843

William Albert Beal

Judgement written Jan. 24, 1901

#5 Granted Nov. 14, 1905

Trans from Choc #R-18
Oct. 31, 1904

5843

Commission to the Five Civilized Tribes,

Durant, Indian Territory.

In the enrollment of Albert Beal as a Choctaw by blood; being sworn and examined by Com'r McKennon he testifies:

Q What is your name? A Albert Beal

Q How old are you? A Twenty-five.

Q You are a daughter of Reuben Beal, who was admitted by act of Choctaw Council number twelve, approved October 25th, 1890?

A Yes sir.

Q Your name is not included in the Act admitting your father?

A No sir.

Q Have you any children? A Yes sir.

Q What are their names? A Samantha.

Q What is her age? A Six years old.

Q Next one? A Beulah, nine months old.

Com'r McKennon: Albert and Samantha are on the Choctaw Roll of 1896, but Albert, having been born prior to the admission of his father, is refused enrollment, with his children also; he is apparently a white man.

Q When did you move here from Texas? A About twelve years ago.

Q Did you draw Leased District money in 1893? A Yes sir.

[illegible] of the Interior

Commission to the Civilized Tribes

I hereby certify that I am the official stenographer to the Commission, that this transcript is a true and correct translation of my stenographic notes.

M D Mean

In the Application of Albert Beal et. al, children of [redacted] Beal, a Choctaw Indian, for Enrollment as Choctaw Indians and members of the Choctaw Tribe of Indians by blood. Application made before Commission to Five Civilized Tribes at Durant, Choctaw Nation, August, 1899, based upon former enrollment by Choctaw Authorities.

Indian Territory.
Central District. ..ss. Affidavit of T. W. Hunter.

On this the 7th. day of August, 1900, personally appeared before me, the undersigned authority, T. W. Hunter, to me well and personally known as the person making the following affidavit, who after being duly sworn according to law, stated upon his oath as follows, to-wit:

My name is T. W. Hunter, my Post Office is Caddo, Ind. Ter. My age is 31 years. I am a Choctaw Indian by blood, and a member of the Choctaw Council, being the representative from Blue County, Choctaw Nation. I am familiar with the laws and customs of the Choctaw Indians, especially so with the laws and customs of my people touching citizenship. I know that it has been for many years the custom to enroll the minor children of such parents as were admitted to citizenship by the Choctaw Tribunals of Citizenship, although the names of such children were always omitted from the judgement or act admitting such parents. I know that our Choctaw authorities have always recognized this ~~same~~ custom, and have enrolled such children; and that the names of such children were upon the Choctaw rolls from the time their parents were so admitted until the Commission refused them enrollment.

I have no interest in this or any other application for citizenship, nor am I related to any applicants for citizenship, and the facts herein stated I know from my own knowledge and experience.

T. W. Hunter.

Sworn and subscribed to before me this the 7th. day of August, 1900.

Notary Public.

Commission Expires Sept. 11th. 1901.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory, May 16, 1902.

In the matter of the application for enrollment as a citizen by intermarriage of the Choctaw Nation of Andrew Beal. 7-3497

In the matter of the application for enrollment as citizens by blood of the Choctaw Nation of Reuben Beal and his three minor children, Mary, Ida and Henry Beal. 7-3167

In the matter of the application for enrollment as a citizen by blood of the Choctaw Nation of Missouri Mitchell. 7-3551

In the matter of the application for enrollment as citizens by blood of the Choctaw Nation of Pinkney Beal and his three minor children, Wilson J., Pinkney Jr., and Poley Beal.

In the matter of the application for enrollment as citizens by blood of the Choctaw Nation of Maggie Gravitt and her seven minor children, Willie, Phelan, Andy, Edna, Mary, Johnnie and Maggie Pabll Gravitt. 7-3417

In the matter of the application for enrollment as citizens by blood of the Choctaw Nation of Andrew P. Beal and his four minor children, Mary M., Martha J., Charles R. and Hugh L. Beal.

In the matter of the application for enrollment as citizens by blood of the Choctaw Nation of Rebecca Crowder and her three minor children, Lucy and Gertrude Bohanon and Mary C. Crowder and for the enrollment of her husband, Charles R. Crowder as a citizen by intermarriage of the Choctaw Nation. (7-3420)

In the matter of the application for enrollment as citizens by blood of the Choctaw Nation of Thomas T. Beal and his three minor children, Annie M., Myrtle O. and James Beal and for the enrollment of Virtie Beal, the wife of Thomas T. Beal as a citizen by intermarriage of the Choctaw Nation.

In the matter of the application for enrollment as a citizens of the Choctaw Nation of Belle Hughes, formerly Belle Beal.

In the matter of the application for enrollment as citizens by blood of the Choctaw Nation of William C. Beal and his three minor children, Mahala, John and Minnie Viola Beal.

In the matter of the application for enrollment as citizens by blood of the Choctaw Nation of Albert Beal and his three minor children, Samantha, Beulah and William D. Beal.

In the matter of the application for enrollment as citizens by blood of the Choctaw Nation of Reuben Beal, Jr. and his minor child, Cora Beal and the application made for the enrollment of Eliza Beal, the wife of Reuben Beal, Jr., as a citizen by intermarriage of the Choctaw Nation. 7 R 19

In the matter of the application for enrollment as citizens by blood of the Choctaw Nation of Rosa Dills and her two minor children, Nora M. and Lether Lee Dills. 7 R 75

In the matter of the application for enrollment as citizens by blood of the Choctaw Nation of Arthur, Johnnie and Jesse B. Beal, the minor children of Reuben Beal. 7 R 384

In the matter of the application for enrollment as citizens by blood of the Choctaw Nation of John P., Pony, and Roy M. Beal, the minor children of Pinkney Beal. 7 R 381

In the matter of the application for enrollment as a citizen by blood of the Choctaw Nation of William T. Beal, the minor child of Andrew P. Beal. 7 R 386

In the matter of the application for enrollment as citizens by blood of the Choctaw Nation of Ada B. and Annie Beal, the minor children of William C. Beal. T 389

In the matter of the application for enrollment as citizens by blood of the Choctaw Nation of Delia Marcum and her four minor children, Jesse, Claudie, Clarence, and Lulu Marcum and the application made for the enrollment of Henry W. Marcum, the husband of Delia Marcum as a citizen by intermarriage of the Choctaw Nation. 7058

Now on this 16th day of May, 1902, this cause coming on to be heard in pursuance of a continuance granted May 14, 1902, the following procedures were had:

APPEARANCES:

C. E. McPherren, attorney for the applicants .
No appearance on behalf of the Choctaw and Chickasaw Nations.

By an act of the National Council of the Choctaw Nation, approved October 25, 1890 by W. M. Jones, Principal Chief of the Choctaw Nation, it was enacted by the General Council of the Choctaw Nation assembled as follows, to-wit:

"That the citizenship of the following named persons is hereby established, to wit: Martha Beals, and her husband, Andrew Beals, and their Children Reuben; Missouri; Pinkney; Margaret; Andy; Becky; Thomas; Bell and Bill Beals; and they are hereby declared citizens of the Choctaw Nation, and entitled to all the rights, privileges and immunities of such. This act shall take effect upon its passage and approval."

The applicants herein are the persons admitted to citizenship in the Choctaw Nation by the act of the National Council of the Choctaw Nation, approved October 25, 1890, and their descendants born since the date of the approval of the said act and in addition thereto the descendants of Martha Beal who were living at the date of the approval of the act above referred to and whose names were not included in the act of admission and such intermarried white persons as have married the descendants of Martha Beal since the approval of the act of October 25, 1890.

Reuben Beal being first duly sworn, testified as follows:

Examination by the Commission.

Q What is your name? A Reuben Beal.
Q What is your age? A I am forty-nine.
Q What is your postoffice address? A Durant, I. T. Chootaw Nation.
Q What is your father's name? A Andrew Beal.
Q And your mother's name? A Martha Beal.
Q You are the identical Reuben Beal who was admitted to citizenship in the Choctaw Nation by an act of the National Council of the Choctaw Nation approved October 25, 1890? A Yes sir.
Q Your mother, Martha Beal, is dead is she? A Yes sir.
Q When did she die? A Three years ago last March.
Q Is your father Andrew Beal, living? A Yes sir.
Q You are the oldest child of Andrew and Martha Beal? A Yes sir.
Q You were admitted by the act of October 25, 1890? A Yes sir.
Q Are you making application for your wife? A No sir, I am not.
Q How many children have you? A We have eleven.
Q What is the name of the oldest child? A William Albert.
Q How old is he? A He is twenty-six or twenty-seven I can't tell which.
Q He is married is he? A Yes sir.
Q No application is made for his wife? A No sir.
Q How many children has Albert? A Three.
Q What are their names? A Samantha, Beulah and William D.
Q Your oldest child, Albert Beal was living atthe time of the approval of the act admitting you to citizenship in the Choctaw Nation? A Yes sir.
Q He was not included in that act? A No sir, he was a minor child.
Q What is the name of your next child? A Cordelia Marcum.
Q You call her Delia don't you? A Yes sir.

Q XShe is married is she? A Yes sir.
Q Was any application made fort he enrollment of her husband? A I couldn't tell you only what he says.
Q How many children has Delia? A Four.
Q What are their names? A Jesse, Claudie, Clarence. I can't call the baby's name. They don't live close to me.
Q Lula isn't it? A I guess so.
Q Your daughter Delia was living atthe time of the act of admission of October 25, 1890? A Yes sir.
Q She was not included in that act? A No sir.
Q What is the name of your next child? A Reuben Beal, Jr.
Q How old is he? A I think he is twenty three or four. I don't know just which it is.
Q Is he married? A Yes sir.
Q What is his wife's name? A Mossy.
Q Was any application made for the enrollment of his wife?
A No sir.
Q Didn't he have a wife named Eliza when he applied to the Commission two years ago. Yes sir. She lives close to Lehigh. She's married.
Q Married some one else? A Yes sir.
Q Divorced from Reuben Beal Jr? A Yes sir.
Q Has Reuben Beal Jr. any children? A Yes sir, one.
Q What is its name? A Cora.
Q Was Reuben Beal Jr. living at the time of the act of admission of the Choctaw Council October 25, 1890? A Yes sir.
Q Was his name included in the act of admission? A No sir.
Q What is your next child's name? A George is the next oldest one.
Q Is he married? A Yes sir.
Q Has he any children? A Yes sir.
Q What are their names? A One. named Millie Beal.
Q No application is made for the enrollment of his wife?
A No sir.
Q He was living at the time of the act of admission October 25, 1890? A Yes sir.
Q He was not included in that act of admission? A No sir.
Q What is the name of your next child?ARosie Dills .
Q Has she any children? A Yes sir.
Q How many? A Two.
Q What are their names? A Nora M. and Lether Lee Dills.
Q No application is made for the enrollment of her husband?
A No sir.
Q She was living atthe time of the act of admission of October 25, 1890? A Yes sir.
Q She was not included in that act? A No sir.
Q What is the name of your next child? A Arthur.
Q How old is he? A Sixteen.
Q The next one? A Johnnie Beal.
Q How old is he? A Fourteen.
Q The next one? A Jesse B.
Q These three children were living at the time of the act of admission of October 25, 1890? A No, Jesse wasn't.
Q How old is Jesse now? A Going on twelve years old now.
Q When was he born? A He was born in '91.
Q What is the date of his birth? A June.
Q He was born after the act of admission? A Yes sir, that was a mistake in me giving them in. I gave him in too old.

Q What are the names of your other children? A Mary, Ida and Henry.
Q How old is Mary? A She's going on ten years old.
Q How old is Ida? A Going on eight.
Q How old is Henry? A Going on six.
Q These three children were born to you in lawful wedlock since the date of your admission by the Choctaw Council in 1890?
A Yes sir.
Q Have you any other children? A No sir.
Q What is the name of your brother or sister next oldest to you? A Pinkney Beal is the next to me.

Pinkney Beal being first duly sworn testified as follows:

Examination by the Commission.

Q What is your name? A Pinkney Beal.
Q How old are you? A Forty-four.
Q What is your postoffice address? A Albany.
Q What is your father's name? A Andrew Beal.
Q What is your mother's name? A Martha Beal.
Q Is your mother living? A No sir.
Q Is your father living? A Yes sir.
Q You were admitted to citizenshipmin the Choctaw Nation by an act of the Choctaw Council approved October 25, 1890, were you? A Yes sir.
Q You are applying for the enrollment of yourself and your children as citizens by blood of the Choctaw Nation? A Yes sir.
Q Do you make any application for the enrollment of your wife? A No sir.
Q What is the name of your oldest child? A John Peler.
Q How old is he? A Sixteen.
Q What is the name of the next one? A Pony.
Q How old is he? A Fourteen .
Q What is the name of the next one? A Roy May.
Q Is that a boy or a girl? A Girl.
Q How old is she? A She's twelve years old.
Q Were these three children living at the time you were admitted to citizenship in the Choctaw Nation? A Yes sir.
Q Were their names included in the act admitting you to citizenship? A No sir.
Q What is the name of your next child? A Wilson Jones.
Q How old is he? A Ten.
Q The next one? A Pinkney.
Q Pinkney Beal, Jr.? A Yes sir.
Q How old is he? A Seven.
Q The next one? A Poley.
Q How old is he? A Three years.
Q These children were born to you subsequent to the date of your admission to citizenship in the Choctaw Nation, October 25, 1890? A Yes sir.
Q Have you any other children? A No sir.

Reuben Beal being recalled testified as follows:

Q What is the name of your brother or sister next younger than Pinkney Beal? A Missouri.

Q What is her present name? A Missouri Mitchell.
Q Has she any children? A None a living.
Q She is not applying for her husband? A I think not.
Q Her husband has applied for enrollment hasn't he? A I couldn't tell you.

The husband of Missouri Mitchell, John B. Mitchell is an applicant for enrollment before the Commission.

Q Robert B. Mitchell is the husband of your sister, Missouri Mitchell, is he? A Yes sir.
Q When were they married? A I couldn't tell you when.
Q Was it after the act of admission of your sister by the Choctaw Council? A No sir, they were married before then.
Q Her name then was Missouri Mitchell at the time of her admission? A Yes sir.
Q Robert B. Mitchell was married to Missouri Beal under a United States license prior to the act of admission of October 25, 1890 admitting Missouri Mitchell and after the approval of that act he married her under a Choctaw license? A I think so. I don't know positive.
Q You say Missouri has no children? A None a living.
Q What is the name of the child next younger than Missouri.
A Margaret Gravitt.
Q She is known by the name of Maggie is she? A Yes sir.
Q Is she living? A Yes sir.
Q Any application made for the enrollment of her husband?
A I couldn't tell you.
Q You don't know whether Maggie Gravitt was married to John Gravitt in accordance with Choctaw laws? A No sir, she wasn't married the first time according to Choctaw law.
Q Did she ever marry him under Choctaw license? A I couldn't tell you.
Q How many children has Maggie Gravitt? A Seven I think.
Q What is the name of the first one? A Willie.
Q How old is he? A I couldn't tell you.
Q About how old is he? A I couldn't tell you.
Q What is the next one? A I don't know their names.

Pinkney Beal being recalled, testified as follows:

Examination by the Commission.

Q Your name is Pinkney Beal? A Yes sir.
Q You are the brother of Maggie Gravitt? A Yes sir.
Q How many children has she? A Seven.
Q What is the oldest one's name? A Willie.
Q How old is he? A Seventeen.
Q What is the next one's name? A Phelie we call him.
Q Phelan? A Yes sir.
Q How old? A Fifteen.
Q The next one? A Andrew.
Q How old is he? A Thirteen or right close to it.
Q These three children were living at the time of the act of admission of your sister Margaret to citizenship in the Choctaw Nation of October 25, 1890, were they not? A Yes sir.
Q Has she any other children? A Yes sir.
Q What are their names? A These younger children - I

couldn't tell you their names.
Q How many children has she born since the act of admission of October 25, 1890? A I think she has four.
Q Edna, Mary, Johnnie and Maggie? A Yes sir.

Reuben Beal being recalled, testified as follows:

Examination by the Commission.

Q What is the name of the child of Andrew and Martha Beal next younger than Margaret? A W. C. Beal, I think.
Q Is he married? A Yes sir.
Q When was he married? A I couldn't tell you how long it has been.
Q Was it prior to the act of October 25, 1890? A Yes sir.
Q Who did he marry? A Donnie Wingate.
Q How many children has William C. Beal? A Four or five I don't know which.

William C. Beal being duly sworn testified as follows: Examination by the Commission.

Q What is your name? A William C. Beal.
Q What is your age? A About thirty-seven.
Q What is your postoffice address? A Silo.
Q What is your father's name? A Andrew Beal.
Q What is your mother's name? A Martha Beal.
Q You were admitted to citizenship in the Choctaw Nation by an act of the Choctaw National Council approved October 25, 1890, were you? A Yes sir.
Q Are you married? A Yes sir.
Q What is your wife's name? A Donnie Beal.
Q Was any application made for her enrollment as a citizen b y intermarriage of the Choctaw Nation? A No si r.
Q How many children have you? A Five.
Q What is the name of t e oldest one? A Ada Bell.
Q How old is she? A Going on eighteen.
Q What is her present name? A Moore.
Q Has she any children? A Yes sir, one.
Q What is the name of her child? A Roy L. Moore.
Q That is the only child she has? A Yes sir.
Q What is the name of your next child? A Annie going on sixteen.
Q Both Ada Bell and Annie were living at the time of the act of admission of October 25, 1890? A Yes sir.
Q They were not included in that act? A No sir.
Q Have you any other children? A Yes sir.
Q What are their names and ages? A Mahala. I think she's going on nine years old.
Q And the next one? A Johnnie, going on seven.
Q And the next? A Minnie Viola.
Q How old is she? A Going on two.
Q These three children were born subsequent to the act of admission of October 25, 1890? A Born since the act of admission.
Q Is that all the children you have? A Yes sir.

Q You were admitted by the act under the name of Bill Beals were you? A Yes sir.

Reuben Beal being recalled testified as follows:

Examination by the Commission.

Q What is the name of your brother or sister next younger than William C. Beal? A Becky Crowder.
Q Isn't Andrew older than Becky? A Yes sir, that's right.
Q Andrew P. Beal was admitted by the act of the Choctaw Council of October 25, 1890? A Yes sir.
Q Is he married? A Yes sir.
Q What is his wife's name? A I couldn't tell you. Brown we called her.
Q Is she an applicant for enrollment as an intermarried citizen? AA I think not.
Q How many children has Andrew P. Beal? A I couldn't tell you. We don't live close together and hardly ever see one an other.
Q Were all the children of Andrew P. Beal born since the act of admission in 1890? A No sir, I think he had some before then..
Q How mahy? A One or two I don't know which.

It appears from the records of the Commission that Andrew P. Beal has one child, William T. Beal who was born prior to the act of admission of October 25, 1890, and four children, Mary M., Martha J., Charles R. and Hugh L. Beal born subsequent to the act of the Choctaw Council of October 25, 1890.

Q What is the name of your brother or sister next younger than Andrew? A Turner Beal.
Q Thomas Turner Beal? A Yes sir.
Q He was admitted by the act of the Choctaw Council of October 25, 1890 under the name of Thomas Beals was he? A Yes sir.
Q Is he married? A Yes sir.
Q What is the name of his wife? A I don't know.
Q He was married since the act of admission in 1890? A Yes sir.
Q He has how many children? A I couldn't tell you.

The records of the Commission show that Thomas T. Beal has three minor children, Annie M., Myrtle O., and James all of whom have been born subsequent to the act of the Choctaw Countil of October 25, 1890 and that he was also married to Virtie Webster , a white woman, subsequeht to the date of the act of the Council and application is made for the enrollment of his wife as a citizen by intermarriage of the Choctaw Nation.

Q What is the name of your next brother or sister? A Becky.

Q What is her full name? A Becky Crowder.
Q She was admitted by the act of October 25, 1890 under the name of Becky Beals? A Yes sir.
Q Was she married at that time? A Yes sir.
Q To whom was she married. A Ed Bohanon.
Q Is he living? A No sir.
Q How many children did she have by Ed Bohanon? A Two.
Q What are their names? A I couldn't tell you.

It appears from the records of the Commission that Rebecca Crowder had two children by her first husband, named Lucy and Gertrude Bohanon, both of whom were born subsequent to the date of the act of admission of October 25, 1890.

Q Has your sister married since the death of Bohanon? A Yes sir.
Q Who did she marry? A Crowder.
Q What is his full name? A Dick Crowder.
Q Is that Charles R. Crowder? A Yes sir.

Charles R. Crowder is an applicant for enrollment as a citizen by intermarriage of the Choctaw Nation.

Q How many children has she by her second husband? A One.
Q What is her name? A I couldn't tell you her name.

It appears from the records of the Commission that Rebecca Crowder has one child, Mary C. Crowder by her second husband who is now only four or five years old and was born subsequent to the act of admission of October 25, 1890.

Q What is the name of your next youngest brother or sister?
A Bell.
Q What is her present name? A Bell Hughes.
Q Has she any children? A No sir, I think not.
Q Is her husband an applicant for enrollment as a citizen by intermarriage of the Choctaw Nation? A I couldn't tell you.
Q Does that include all the descendants of Andrew Beal and Martha Beal? A Yes sir.
Q Where do all of these people live? A They are scattered over the Choctaw Nation, different places.
Q How long have they all resided in the Choctaw Nation?
A Fourteen years.
Q Resided in the Choctaw Nation continuously for the past fourteen years? A Yes sir.
Q Where did they come from? A Texas.
Q Andrew Beal was a white man wasn't he? A Yes sir.
Q And Martha Beal was a Choctaw Indian? A Yes sir.
Q Prior to the admission of Martha Beal in 1890 had any of these people ever been recognized in any manner by the Choctaw tribal authorities as citizens of the Choctaw Nation? A No sir.
Q They had all been living in Texas before that time? A Not always all lived there. They lived in Arkansas part of the time and in the nation part of the time.
Q But they had never been recognized or accorded rights of citizenship until this act of admission of October 25, 1890? A No sir.

Q Since that act of admission these people have always maintained a residence in the Choctaw Nation? A Yes sir.

Q Always been recognized since that time? A Yes sir.

Q The act of admission of October 25, 1890 specifies Martha Beals and her husband, Andrew Beals and their children Reuben, Missouri, Pinkney, Margaret, Andy, Becky, Thomas, Bell and Bill Beals. In addition to the persons specified in the act of October 25, 1890 there are numerous other descendants of Martha Beals who are applicants for enrollment and who since that time have always resided in the Choctaw Nation. A Yes sir.

Q Now, have these people who were not included in the act of admission and who were living in 1890 , have they since that time been recognized by the Choctaw tribal authorities as citizens of the Choctaw Nation? A Yes sir.

Q When the 1893 Leased District payment was made to the citizens by blood of the Choctaw Nation did the persons who were living in 1890 and the descendants of Martha Beals but who were not included in this act of admission of October 25, 1890, draw the Leased District payment? A Yes sir.

Q Was there any question about their drawing the payment at that time? A No sir.

Q The Choctaw Nation paid every one of them $103.00? A Yes sir .

Q In what county did all of these people draw that payment?

A Blue county.

Q All of them? A Yes sir.

The 1893 Leased District payment roll of the citizens of the Choctaw Nation for Blue County in the possession of the Commission has been examined and the following entries appear thereon:

Martha Beals,	Page	14	No.	155
Reuben Beals,	"	5	"	53
Reuben Beals, Jr.,	"	5	"	54
George Beals,	"	5	"	55
Anthar Beals,	"	5	"	56
Johney Beals,	"	5	"	57
Jessie Beals,	"	5	"	58
Rosey Beals,	"	6	"	59
Mary Beals,	"	6	"	60
Albert Beals,	"	6	"	61
Samantha Beals,	"	6	"	62
Delia Marcum,	"	75	"	788
Jassee Marcum,	"	75	"	789
Pink Beals,	"	14	"	150
John Beals,	"	14	"	151
Poney Beals,	"	14	"	152
Wilson Beals,	"	14	"	153
Roy Beals,	"	14	"	154
Missouri Mitchell,	"	75	"	793
Maggie Gravitt,	"	48	"	506
Willie Gravitt,	"	48	"	507
Felin Gravitt,	"	48	"	508
Andy Gravitt,	"	48	"	509
Edna Gravitt,	"	48	"	510
Mary Gravitt,	"	48	"	511
Williams Beals,	"	7	"	75

Ada Beals,	Page	7	No.	76
Annie Beals,	"	7	"	77
Haly Beals,	"	7	"	78
Andy Beals,	"	14	"	157
W. T. Beals,	"	14	"	158
Mary Beals,	"	14	"	159
Turner Beals,	"	14	"	160
Rebecca Bohanan,	"	18	"	198
Lucy Bohanan,	"	18	"	199
Belle Beals,	"	14	"	156

The records of the Choctaw Nation in the possession of the Commission show that to each of these person so enrolled a payment of $103.00 was made of the Leased District payment in 1893.

Reuben Beal being recalled, testified as follows:
Examination by the Commission.

Q In 1896 none of these people applied to the Commission to the Five Civilized Tribes for citizenship under the act of Congress of June 10, 1896, did they? A No sir.
Q They rested their citizenship on this act of admission of October 25, 1890 by the Choctaw Council? A Yes sir.
Q When the 1896 census roll was made were these people, both those who were included in the act of admission and their descendants enrolled by the census enumerators? A Yes sir.

The 1896 census roll of the citizens of the Choctaw Nation is examined and the name of Andrew Beal is found upon page 381, No. 14324 under the name of Anzel Beal, as an intermarried citizen of the Choctaw Nation.
The following names also appear upon the 1896 census roll of the citizens of the Choctaw Nation:

Reuben Beals,	Page	39	No.	1563
Albert Beals,	"	39	"	1564
Reuben Beals, Jr.	"	39	"	1565
George Beals,	"	39	"	1566
Rosa Beals,	"	39	"	1567
Arthur Beals,	"	39	"	1568
Johnie Beals,	"	39	"	1569
Jesse Beals,	"	39	"	1570
Mary Beals,	"	39	"	1571
Ida Beals,	"	39	"	1572
Henry Beals,	"	39	"	1573
Samantha Beals,	"	39	"	1574
Mrs. Delisit Marcum,	"	223	"	8897
Jesse Marcum,	"	223	"	8900
Canady Marcum,	"	223	"	8901
Pinkny Beals,	"	40	"	1624
John P. Beals,	"	40	"	1625
Pony Beals,	"	40	"	1626
Roy M. Beals,	"	40	"	1627
Wilson J. Beals,	"	40	"	1629

Missouri Mitchell,	Page	207	No.	8776
Maggie Gravitt,	"	118	"	4865
Willie Gravitt,	"	118	"	4866
Phalan Gravitt,	"	118	"	4867
Andy Gravitt,	"	118	"	4868
Edna Gravitt,	"	118	"	4869
Mary Gravitt,	"	118	"	4870
Johnnie Gravitt,	"	118	"	4871
W. C. Beals,	"	38	"	1540
Ada Beals,	"	38	"	1541
Annie Beals,	"	38	"	1542
Mahaly Beals,	"	38	"	1543
John Beals,	"	38	"	1544
Andy Beals,	"	38	"	1545
Wm. Turner Beals,	"	38	"	1546
Mary M. Beals,	"	38	"	1547
Jane M. Beals,	"	38	"	1548
Turner Beals,	"	40	"	1630
Annie M. Beals,	"	40	"	1631
Rebbeca Crowder,	"	68	"	2857
Luther Bohanan,	"	42	"	1728
Gertrude Bohanan,	"	42	"	1729
Belle Beals,	"	38	"	1550

Reuben Beals being recalled testified as follows:

Examination by C. E. McPherren, attorney for applicants.

Q Did you appear before the citizenship committee of the Choctaw Council in 1890? A Yes sir.

Q At the time they were considering the application of your father and mother, yourself and brothers and sisters? A Yes sir.

Q Did you apply for your minor children at that time? A No sir.

Q Did you ask them to name your minor children in the act. At the time you appeared before the citizenship committee of the Choctaw Council in 1890 did you ask them to name your children or your mother's grand-children in the act? A Yes sir. We asked them.

Q What did they say their ruling was? A He said their ruling was if the parents went on the children did also.

Q Did you see any one else at that time while they were considering your application? A Yes sir, the Chief.

Q Who was the chief? A Wilson Jones.

Q What did he say? A He said it wasn't any use for the children's names to be in the application.

Q Why, did he say, there was no use, if he said? A He said if the parents went on, my mother,- all the grand-children would go on the Choctaw roll.

Q Who else did you see? A Green McCurtain.

Q Who else? A Joe Bryant.

Q Who was Joe Bryant? A President of the Senate.

Q What did he tell you? A He said it wasn't necessary.

Q Were all those children whose parents were applicants and whose names were not in the act, minors at that time? A Yes sir.

Q When you were told that it was not necessary for your children's names to appear in the act admitting you to citizenship in that they were minors? A Yes sir.

Q Were you required to pay any fee into the treasury of the Nation before the consideration of your petition? A Yes sir, we had to place one hundred dollars in the treasury.

Q You complied with all the rules did you? A Yes sir, and that's how come us to be interested about the children.

Q Were your children enrolled on the first rolls made after that time? A Yes sir.

Q Do your children appear upon every roll that has been made by the tribal authorities since that time up to the present time? A Yes sir.

Henry Byington, a witness on behalf of the applicants, being first duly sworn, testified as follows:

Examination by C. E. McPherren, attorney for applicants.

Q What is your age? A Henry Byington.

Q What is your age? A Fifty-one years.

Q Are you a Choctaw Indian? A Yes sir.

Q Where do you reside, your post-office address? A Caddo.

Q How long have you been residing in the Choctaw Nation?

A Born and raised there.

Q Were you ever a member of the Choctaw Council? A I have been a member three times.

Q Were you acquainted with the customs of the Choctaw citizenship committee of the Choctaw Council and the customs of the Choctaw Council relative to citizenship cases in 1890? A We had a law to go by- to entertain ppitions, etc. The persons had to put one hundred dollars in the treasury before they would entertain it.

Q Were you at the Choctaw Council in 1890, at the October term? A Yes sir.

Q. By Commission. Were you a member of the Council at that time? A No sir.

Q By Mr. Mc Pherren. You were there were you? A Yes sir.

Q Do you remember the petition of this Beals family for enrollment? A I remember mostof it. Martha Beals and others I think was the style of the case.

Q Do you know the rules of the Choctaw committee on citizenship of the National Council during that time with reference to the naming of minor children of a parent that was admitted by act of Council.

The Commission. What do you mean by "remember the rules of the Choctaw Council" Were there any rules?

Mr. McPherren. I will change the question.

The Commission. If there were any rules in existance that govern ed the Council in 1890 relative to the admission of persons to citizenship, the rules themselves would be the best evidence.

Mr. McPherren. I didn't mean by that any printed rules. I meant customs.

Q By Mr. McPherren. Was there any custom- did they mention the minor children in acts admitting to citizenship prior to 1893. A There was no regular rules set but it was customary that we just mentioned the parents. Whenever the parents were admitted the minor children followed the parent.

Question by the Commission. Were you ever a member of the Choctaw Council prior to 1890? A No sir, it was afterwards.

Q Were you ever interested in any citizenship matters prior to 1890? A No sir.

Q By Mr. McPherren? You were interested in 1890 were you not? A Yes sir. That was the first case I ever had before the Council.

Q By the Commission. Were you the attorney that represented the Beals people in their petition before the Council? A I represented them before the committee on citizenship.

Q The committee of citizenship of the Choctaw Council? A Yes sir. I went with these parties and told them that they has to put up a hundred dollars. I went with them to the committee and they wanted to put their childrens names in and they told them it wasn't necessary for them. If they got in their minor children would get in. That was why we didn't put them in the act.

Q Did the Choctaw Council at that time require a fee of one hundred dollars from all applicants for citizenship who were of age or was a fee required in each separate petition? A It took a hundred dollars a case. One petition was a hundred dollars.

Q No matter how many people were included in the petition?

A That was what they was required to pay.

Q That was a fee that was demanded by the Choctaw Council for the consideration of an application? A Yes sir.

Q No matter how many people were included in it? A Yes sir, one hundred dollars.

Q By Mr. McPherren. Did you speak to the president of the Senate, Joe Bryant? A We spoke to all the leading members.

Q What was theyr reply? A Their reply was that if the parents were admitted the minor childrenwere all right.

Q by the Commission. Are Green McCurtain, Joe Bryant and Wilson Jones living now? A All dead. Green McCurtain not dead.

Q The other two are dead? A The other two are dead.

Q What was Green McCurtain's official position at the time this act was passed? A I don't think ---he might have been Treasurer. I don't know what office he was holding at that time. After these people registered - they went before the revisory board all such cases.

Q By Mr. Mc Pherren. Did they enroll them? A Yes sir- called the revisory board.

Q by the Commission. What revisory board? A Revising these rolls. They met at Tushkahomma.

Q When? A At the Leased District payment.

Q Was there any question aboutthe payment of the Leased District payment money to these people? A No sir. In some few instances----

Q I am talking about this family of Beals? A No sir, no question.

Q Was there any question about these Beals people who were not named in this act and who were living at the time of the drawing of the Leased District payment? A Never questioned it at all.

Q What did the revisory board have to do with it? A All the census rolls from the different counties-to look ~~either~~ over them. They didn't appear before the revisory board. The revisory board were to examine all the books that the census enumerators had taken from the different counties.

Q Then the revisory board looked over all the rolls from the different counties and made up the pay rolls? A Yes sir.

Q Did they place the names of all of these Beals people who were not included in the act and were living, did they put them on the roll and make the payment without any question? A Yes sir, without any question.

Q Were you ever interested in any other petitions for citizenship before the Choctaw Council besides this one? A I had several others but I never succeeded.

Q This is the only one that you had admitted? A That is the first one I ever had.

Q This act specifies the names of certain persons and declares them to be citizens of the Choctaw Nation entitled to all the rights, privileges and immunities of such. Wasn't it customary for the Choctaw Council where they had knowledge of the fact that children were living and in order to provide for the children born subsequent to the date of the admission of the parties, to include in the acts the words "and their descendants"?

A Sometimes they did. They had a draughtsman to draft these bills and these draughtsmen put it in as they saw fit. Some of them got that descendants in and some has not.

Pinkney Bea l being recalled, testified as follows:

Examination by Mr. McPherren.

Q Your name is Pinkney Beal? A Yes sir.

Q What is your post-office? A Albany, Blue County.

Q You are the Pinkney Beal that was admitted by the act of October 25, 1890? A Yes sir.

Q Were you present at the Council during the October term, 1890 when you were admitted to citizenship? A Yes sir.

Q Did you appear before the citizenship committee of the Choctaw Council? A Yes sir.

Q Was any request made of you to them with reference to naming your children? A Yes sir.

Q What request did you make of them with reference to them?

A I asked them if it was necessary for the grand-children of my mother to go in that petition and they said it was not. It was not necessary.

Q Who made you this statement? A I think Wadson.

Q Who was he? A One of the committee.

Q Was it Wadson or Wadkins? A Wadkins.

Q Did you have any conversation with the President of the Senate or other officials with reference to it? A Yes sir, Moe Bryant. He said it wasn't necessary. And Governor Jones.

Q Was he governor at that time? A Yes sir. He said it wasn't necessary. He said when the rolls were made up all the minor children would go on the rolls.

~~Cross~~

Q By the Commission. Your children were enrolled were they?

A Yes sir.

Q At the making of the first roll after that time? A Yes sir.

The further consideration of this case is continued until Monday, May 26, 1902, at 9 o'clock A. M..

Myra Young, having been first duly sworn upon her oath states that she reported in full all proceedings had in the above entitled cause on the 16th day of May, 1902, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Myra Young.

Subscribed and sworn to before me this 16th day of May, 1902.

Charles Hasungs

Notary Public.

7-3367

Commission to the Five Civilized Tribes,

Caddo, Indian Territory.

In the enrollment of MEMBERS OF THE BEAL FAMILY as Choctaws;

Com'r McKennon:

Albert Beal is on page 6, #61, Blue County Pay Roll,1893; Samantha Beals, on page 6, #62, Blue County, 1893 Pay Roll; George Beals, on page 5, #55, '93 Pay Roll Blue County; Reuben Beals, on page 5, #54, on the same Pay Roll; Arthur Beals, on page 5, #56, Blue County Pay Roll; Johnnie Beals , on same page, #57; Jessie Beals, on same page, #58, John Beals, on page 14, #151; Pony Beals, on page 14, #152; Roy Beals, #154, as Ray Beals; Turner Beals, #160; Ada Beals, page 7, #76; Anna Beals, on page 7, #77.

Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify that I am the official stenographer who reported the proceedings had before the above named Commission and that this transcript is a true, full and correct translation of my stenographic notes.

M D Green

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 22 1904
CHAIRMAN.

No. _____

Marriage License.

_____

AND

_____

Issued the _____ day

of _____ 190__

_____

Clerk County Court, Grayson County.

By _____

Deputy.

Filed the _____ day

of _____ 190__

_____

Clerk County Court, Grayson County.

By _____

Deputy.

Recorded in Book _____ Page _____

of Marriage Records.

State of Texas: ss

County of Grayson. ss I, P.F.Ellis, Clerk of the County Court of Grayson County, Texas, do hereby certify that the marriage license on the reverse side hereof is a true and correct copy of the marriage license issued to W.B.Beal and Sallie Gardner, as the same appears of record in Book H. at Page 572 of the Marriage License Records of said County. Witness my hand and official seal, this the 15th. day of June, 1904.

P.F.Ellis, Clerk of the County Court

Grayson County, Texas.

MARRIAGE LICENSE

COUNTY OF GRAYSON

To any Judge of the District Court, Judge of the County Court, Ordained or Licensed Minister Jewish Rabbi, or Justice of the Peace of Grayson County

GREETING:

YOU ARE HEREBY AUTHORIZED TO CELEBRATE THE

RITES OF MATRIMONY

Between W B Beal

and Sallie Gardner

and make due return to the Clerk of said Court within Sixty days thereafter certifying your action under this License.

WITNESS my official signature and seal this 9" day of October 1897

Seal

L M Tuck Clerk

By _____ Deputy

I A G Noble certify that on the 10" day of October 1897 united in Marriage W B Beal and Sallie Gardner the parties above named

Witness my hand this 10" day of October 1897

A G Noble Minister of

Returned and filed for record the _____ day of _____ 190

and recorded the _____ day of _____ 190

_____ Deputy _____ County Clerk

CHOCTAW 20 NOT USED

IN RE

Application for Enrollment of

INFANT CHILD

Bulah Beal

as a citizen of

CHOCTAW Nation.

Approved JUN 22 1904 190

Commissioner.

Proof of birth of child listed for enrollment in August 1899

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 22 1904
Clerk.

Filewick
CHOCTAW
R. 18

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In Re Application for Enrollment, as a citizen of the Choctaw Nation,

of Bulah Beal (Here insert name of child) born on the 3rd day of November, 1898.

Name of Father: Albert Beal a citizen of the Choctaw Nation.

Name of Mother: Sallie Beal a citizen of the [illegible] Nation.

Post-office [illegible] Silo I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Central District.

I, Sallie Beal, on oath state that I am 22 years of age and a citizen, by Marriage, of the Choctaw Nation; that I am the lawful wife of Albert Beal, who is a citizen, by Birth, of the Choctaw Nation; that a Female (Male or female) child was born to me on 3rd day of November, 1898; that said child has been named Bulah Beal, and is now living.

Sallie her x Beal mark

WITNESSES TO MARK:

(Must be Two Witnesses.) J. Grafton Durant, I.T.

C. M. Birtle " "

Subscribed and sworn to before me this 17 day of June, 1904

J. G. Grafton NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Southern District.

I, M. E. Webster, a Physician, on oath state that I attended on Mrs. Sallie Beal, wife of Albert Beal on the 3rd day of November, 1898, that there was born to her on said date a Female (MALE OR FEMALE) child; that said child is now living and is said to have been named Bulah Beal.

M. E. Webster

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 16th day of June, 1904

W. F. Pittman NOTARY PUBLIC.

CHOCTAW.

IN RE

Application for Enrollment of

INFANT CHILD

William S Neal

as a citizen of

Choctaw Nation.

Approved, SEP 23 1901, 190...

C. R. Breckinridge.
Commissioner.

Accepted only and filed as evidence of birth

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 23 1901

ACTING CHAIRMAN.

CHOCTAW.
R 18

BIRTH AFFIDAVIT. 20

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Choctaw Nation, of William D Beal (Here insert name of child), born on the 7th day of Feb, 1901

Name of Father: Albert Beal, a citizen of the Choctaw Nation.

Name of Mother: Sallie Beal, a citizen of the U.S. Nation.

Post-office, Durant I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Southern District.

I, Sallie Beal, on oath state that I am married years of age and a citizen, by marriage, of the Choctaw Nation; that I am the lawful wife of Albert Beal, who is a citizen, by Blood, of the Choctaw Nation, that a male child was born to me on the 7 day of Feb 1901; that said child has been named William D Beal, and is now living.

Sallie X Beal
mark

WITNESSES TO MARK

(Must be Two Witnesses) A M Wallace
C B Holland

Subscribed and sworn to before me this 17 *day of* Sept 1901.

G F Lee
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, So. Jud District.

I, W S Webster, a Physician, on oath state that I attended on Mrs. Sallie Beal, wife of Albert Beal, on the 7th day of Feb 1901, 1901 that there was born to her on said date a male (male or female) child; that said child is now living and is said to have been named William D Beal

W S Webster M D

WITNESSES TO MARK:

(Must be Two Witnesses)

Subscribed and sworn to before me this 19 *day of* Sept 1901.

M M Webster
NOTARY PUBLIC.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of William Albert Beal, et al., as citizens of the Choctaw Nation, consolidating the applications of--

William Albert Beal, et al.----------7-R-18
Henry W. Marcum, et al.----------7-D-568
Reuben Beal Jr., et al----------7-R-19
George Beal, et al.----------7-D-719
Rosa Dills, et al.----------7-R-75
Arthur Beal, et al.----------7-R-384
John Peler Beal, et al.----------7-R-385
Willie Gravitt, et al.----------7-3417
Ada Bell Moore, et al.----------7-R-389
William T. Beal----------7-R-386

--: D E C I S I O N :--

It appears from the census card records of the Commission that on August 14, 1899 William Albert Beal appeared before the Commission and made personal application for the enrollment of himself and his two minor children, Samantha Beal and Bulah Beal, as citizens by blood of the Choctaw Nation; that on August 18, 1899 Henry W. Marcum appeared before the Commission and made personal application for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Cordelia Marcum, and their three minor children, Jesse Marcum, Claudie Marcum and Clarence Marcum, as citizens by blood, of the Choctaw Nation; that on August 14, 1899 Reuben Beal Jr. appeared before the Commission and made personal application for the enrollment of himself and his minor child, Cora Beal, as citizens by blood, and for the enrollment of his wife, Eliza Beal (now McCurry), as a citizen by intermarriage, of the Choctaw Nation; that on May 16, 1902 George Beal appeared before the Commission and made personal application for the enrollment of himself and his minor child, Millie Levana Beal, as citizens by blood of the Choctaw Nation; that on August 14, 1899 Rosa Dills appeared before the Commission and made personal application for the enrollment of herself and her minor child, Nora M. Dills, as citizens by blood of the Choctaw Nation; that on August 17, 1899 personal application was made to this Commission for the enrollment of Arthur Beal and Johnnie Beal as

citizens by blood of the Choctaw Nation; that on August 17, 1899 personal application was made to this Commission for the enrollment of John Peler Beal, Pony Beal and Roy May Beal as citizens by blood of the Choctaw Nation; that on August 15, 1899 personal application was made to this Commission for the enrollment of Willie Gravitt, Phelan Gravitt and Andy Gravitt as citizens by blood of the Choctaw Nation; that on August 16, 1899 personal application was made to this Commission for the enrollment of Ada Bell Beal (now Moore) and Annie Beal as citizens by blood of the Choctaw Nation; that on August 17, 1899 personal application was made to this Commission for the enrollment of William T. Beal as a citizen by blood of the Choctaw Nation and that written applications were made to this Commission for the enrollment of William D. Beal, Lulu Marcum, Benj. Lee Beal, Lether Lee Dills and Roy L. Moore, as citizens by blood of the Choctaw Nation on September 23, 1901, October 28, 1901, November 25, 1902, September 23, 1901 and May 16, 1902, respectively. The applications of those persons whose names are mentioned in the record herein and whose rights are not passed upon in this decision have heretofore been disposed of by the Commission.

It appears from the record herein and the census card records of the Commission that the applicants, William Albert Beal, Cordelia Marcum, Reuben Beal Jr., George Beal, Rosa Dills, Arthur Beal and Johnnie Beal, are the offspring of the marriage of Mary Beal, a white woman having no rights of Choctaw citizenship by blood, and Reuben Beal, who was admitted to citizenship in the Choctaw Nation by an act of the General Council of said nation, approved October 25, 1890, and whose name appears as number 9635 upon the lists prepared by this Commission under the act of Congress approved July 1, 1902 (32 Stat., 641), of persons entitled to enrollment as citizens by blood of the Choctaw Nation and approved by the Secretary of the Interior on February 4, 1903; that the applicants, John Peler Beal, Pony Beal and Roy May Beal, are the offspring of the marriage of Ailsey Beal, a white woman having no rights of Choctaw citizenship by blood, and Pinkney Beal, who was admitted to citizenship in the Choctaw Nation by said act of the General Council of said nation, above referred to, and whose name appears as number 9931 upon the lists prepared by this Commission under said act of Congress approved July 1, 1902, of persons entitled to enrollment as citizens by blood of the Choctaw Nation and approved by the Secretary of the Interior on February 4, 1903; that the applicants, Willie Gravitt, Phelan Gravitt and Andy Gravitt, are the offspring of the marriage of John Gravitt, a white man having no rights of Choctaw citizenship by blood, and Maggie Gravitt (nee Beal), who was admitted to citizenship in the Choctaw Nation by said act of the General Council of said nation, above referred to, and whose name appears as number 9748 upon the lists prepared by this Commission under said act of Congress approved July 1, 1902, of persons entitled to enrollment as citizens by blood of the

Choctaw Nation and approved by the Secretary of the Interior on February 4, 1903; that the applicants, Ada Bell Moore and Annie Beal, are the offspring of the marriage of Donnie Beal, a white woman having no rights of Choctaw citizenship by blood, and William C. Beal, who was admitted to citizenship in the Choctaw Nation by said act of the General Council of said nation, above referred to, and whose name appears as number 9954 upon the lists prepared by this Commission under said act of Congress approved July 1, 1902, of persons entitled to enrollment as citizens by blood of the Choctaw Nation and approved by the Secretary of the Interior on February 4, 1903; that the applicant, William T. Beal, is the offspring of the marriage of Brown Beal, a white woman having no rights of Choctaw citizenship by blood, and Andrew P. Beal, who was admitted to citizenship in the Choctaw Nation by said act of the General Council of said nation, above referred to, and whose name appears as number 10095 upon the lists prepared by this Commission under said act of Congress approved July 1, 1902, of persons entitled to enrollment as citizens by blood of the Choctaw Nation and approved by the Secretary of the Interior on February 4, 1903; that the applicants, Samantha Beal, Bulah Beal and William D. Beal, are the offspring of the marriage of the applicant, William Albert Beal, and Sallie Beal, a white woman having no rights of Choctaw citizenship by blood; that the applicants, Jesse Marcum, Claudie Marcum, Clarence Marcum and Lulu Marcum, are the offspring of the marriage of the applicants, Cordelia Marcum and Henry W. Marcum; that the applicant, Cora Beal, is the offspring of the marriage of the applicants, Reuben Beal Jr. and Eliza McCurry (formerly Beal); that the applicant, Benj. Lee Beal, is the offspring of the marriage of the applicant, Reuben Beal Jr., and Mosie Beal, a white woman having no rights of Choctaw citizenship by blood; that the applicant, Millie Levana Beal, is the offspring of the marriage of the applicant, George Beal, and Ada Beal, a white woman having no rights of Choctaw citizenship by blood; that the applicants, Nora M. Dills and Lether Lee Dills, are the offspring of the marriage of the applicant, Rosa Dills, and E. C. Dills, a white man having no rights of Choctaw citizenship by blood; and that the applicant, Roy L. Moore, is the offspring of the marriage of the applicant, Ada Bell Moore, and F. B. Moore, a white man having no rights of Choctaw citizenship by blood.

It further appears from the record herein that the applicants, William Albert Beal, Cordelia Marcum, Reuben Beal Jr., George Beal, Rosa Dills, Arthur Beal, Johnnie Beal, John Peter Beal, Pony Beal, Roy May Beal, Willie Gravitt, Phelan Gravitt, Andy Gravitt, Ada Bell Moore, Annie Beal and William T. Beal, were living on October 25, 1890, the date of the approval of said act of the General Council of the Choctaw Nation admitting their parents to citizenship in said nation, and that their names are not mentioned in said act of admission.

It appears from an examination of the tribal rolls in the possession of the Commission that the applicants, William Albert Beal, Samantha Beal, Cordelia Marcum, Jesse Marcum, Reuben Beal Jr., George Beal, Rosa Dills, Arthur Beal, Johnnie

Beal, John Peler Beal, Pony Beal, Roy May Beal, Willie Gravitt, Phelan Gravitt, Andy Gravitt, Ada Bell Moore, Annie Beal and William T. Beal, are identified upon the 1893 Choctaw Leased District Payment Roll, Blue County, numbers 61, 62, 788, 789, 54, 55, 59, 56, 57, 151, 152, 154, 507, 508, 509, 76, 77, and 158, respectively; and that the applicants, William Albert Beal, Samantha Beal, Cordelia Marcum, Jesse Marcum, Claudie Marcum, Reuben Beal Jr., George Beal, Rosa Dills, Arthur Beal, Johnnie Beal, John Peler Beal, Pony Beal, Roy May Beal, Willie Gravitt, Phelan Gravitt, Andy Gravitt, Ada Bell Moore, Annie Beal and William T. Beal, are identified upon the 1896 Choctaw Census Roll, numbers 1564, 1574, 8897, 8900, 8901, 1565, 1566, 1567, 1568, 1569, 1625, 1626, 1627, 4866, 4867, 4868, 1541, 1542 and 1546, respectively; said applicants being enrolled on said rolls as citizens by blood of said nation. The applicants, Bulah Beal, William D. Beal, Clarence Marcum, Lulu Marcum, Cora Beal, Benj. Lee Beal, Millie Levana Beal, Nora M. Dills, Lether Lee Dills and Roy L. Moore, having been born subsequent to the preparation of said 1896 Choctaw Census Roll, are identified by proper birth certificates, filed with and made a part of the record in this case.

It further appears from the record herein that the applicant, Henry W. Marcum, a white man, was first married to the applicant, Cordelia Marcum (nee Beal), under the laws of the State of Texas about 1892; that subsequently, on August 13, 1899, said parties were married in accordance with the laws, customs and usages of the Choctaw Nation; that at the time of said last mentioned marriage both of said parties were residents in good faith of the Choctaw Nation and that they lived together continuously in said nation as husband and wife from the date of said last mentioned marriage up to and including September 25, 1902.

It further appears from the record herein that the applicant, Eliza McCurry, a white woman, was on August 30, 1896 lawfully married to the applicant, Reuben Beal Jr.; that at the time of said marriage both of said parties were residents in good faith of the Choctaw Nation; that they lived together continuously as husband and wife from the date of said marriage until about January, 1898, when they separated and were divorced on August 15, 1900; that on September 23, 1900 the applicant, Eliza McCurry, was lawfully married to Walter McCurry, a white man having no rights of Choctaw citizenship by blood; and that the said Eliza McCurry had been a resident in good faith of the Choctaw Nation from the date of her said marriage with the said Reuben Beal Jr. up to and including September 25, 1902.

It further appears from the record in this case that all the applicants herein, who were then living, were on June 28, 1898 residents in good faith of Indian Territory.

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of James M. Buckholts, et al. (I.T.D. 8490-1903), William Albert Beal, Samantha Beal, Bulah Beal, William D. Beal, Cordelia Marcum, Jesse Marcum, Claudie Marcum, Clarence Marcum, Lulu Marcum, Reuben Beal Jr., Cora Beal, Benj. Lee Beal, George Beal, Millie Levana Beal, Rosa Dills, Nora M. Dills, Lether Lee Dills,

Arthur Beal, Johnnie Beal, John Peler Beal, Pony Beal, Roy May Beal, Willie Gravitt, Phelan Gravitt, Andy Gravitt, Ada Bell Moore, Annie Beal, Roy L. Moore and William T. Beal should be enrolled as citizens by blood of the Choctaw Nation; that Henry W. Marcum should be enrolled as a citizen by intermarriage of said nation; and that, following the ruling of the Department in the case of Thornton D. Pearce (I.T.D. 4060-1904), relative to the question of forfeiture, Eliza McCurry should be enrolled as a citizen by intermarriage of said nation in accordance with the provisions of the acts of Congress approved June 28, 1898 (30 Stat., 495) and July 1, 1902 (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

OCT 15 1904

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment as a citizen by intermarriage of the Choctaw Nation of

Sallie Corn Beal.

7-5643.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, May 22, 1905.

--oOo--

In the matter of the alleged application for the enrollment of Sallie Cora Beal, as a citizen by inter-marriage of the Choctaw Nation.

Applicant is represented by Guy P. Cobb, Tishomingo, Indian Territory.

Sallie Cora Beal, being first duly sworn, testifies as follows:

EXAMINATION BY THE COMMISSION.

Q What is your name? A Sallie Cora Beal.
Q How old are you? A Twenty-four.
Q What is your post office address? A Silo.
Q Do you claim to have made applicatiin to this Commission for enrollment as a citizen by inter-marriage of the Choctaw Nation?
A Yes, sir; I went to Durant to make application and they rejected my husband, so I didn't make any.
Q When was it you went to Durant? A I can't hardly say; it hasn't been very long ago; I don't know the day of the month, or the day of the week.
Q Do you remember what year it was? A It was this year.
Q Have you, at any time prior to this year, made an application to the Commission for your enrollment? A No, sir.
Q Do you know whether any application was ever made for your enrollment prior to this year? A No, sir.
Q So far as you know, no one has ever applied for your enrollment until this year? A No, sir.
Q You claim to be an inter-married citizen of the Choctaw Nation?
A Yes, sir; I have always tried to be.
Q What is the name of the Choctaw citizen you married? A William Albert Beal.

William Albert Beal, husband of the applicant, is identified on the Choctaw Field Card No. 5843 and as No. 15718 upon the final roll of citizens by blood of the Choctaw Nation, approved by the Secretary of the Interior December 2, 1904.

Q When were you married to William Albert Beal? A About twelve years ago.
Q Do you remember the date of your marriage? A Yes, sir; it was in 1897; I think.
Q At that time where were you living? A I was living in the Nation
Q Choctaw Nation? A Yes, sir.
Q Where was he living? A In the Nation.
Q Choctaw Nation? A Yes, sir.
Q Since you were married to him, have you ever been separated? A Well, when we were first married we took a little notion to separate; we separated for a little while; but I didn't count that.
Q How long was it after you married that you separated? A We had been married about a month.
Q How long did you remain apart? A About three weeks.
Q And since then you have lived together as husband and wife? A Yes
Q And from then until now? A Yes, sir.
Q Where were you living at that time; in what nation? A In the Choctaw Nation.
Q Where were you living when you weren't living in the Choctaw Nation? A Well, we have always been living in the Choctaw Nation.

Q All the time since you were married? A Yes, sir; I think so.
Q Where were you married? A We went to Texas, and was married there.
Q How did it come that you went to Texas to get married, when you were living in the Choctaw Nation at that time? Ex A Well, my husband got the license at Sherman, Texas.
Q Did you go to Texas just to be married? A Yes, sir.
Q And did you return to the Choctaw Nation immediately after you were married? A Yes, sir.
Q What you have told is all that you know about an application having been made for your enrollment? A Yes, sir.
Q Were you ever married before you married William Albert Beal? A No, sir.
Q Was he ever married before he married you? A Yes, sir.
Q How many times? A Two, I think.
Q What became of his former wife; is she living; are both of his former wives; were both of them living at the time he married you? A He never was married to but one besides me.
Q And that wife was living at the time you married him? A Yes.
Q Had he been divorced from her? A Yes, sir.
Q Had he gotten a divorce from her? A Yes, sir.

CROSS-EXAMINATION.

BY MR. COBB:

Q The records of the Commission show that in the year 1899 your husband appeared before the Commission at Durant, Indian Territory and made application for himself and at least one of his children did you come with him at that time? A Yes, sir.
Q It was your intention at that time to x make application for enrollment? A Yes, sir.
Q Why did you not make application in person? A Well, they rejected my husband, and so it wasn't no use for me to make any application.

BY THE COMMISSION:

Q Mrs. Beal, from the time you state you appeared before the Commission at Durant, in 1899, until this year, did you do anything at all, in reference to your enrollment? A No, sir.
Q Have you any children by William Albert Beal? A Yes, sir.
Q What are the names of these children? A My oldest one is named Bulah.
Q How odd is Bulah? A Bulah is six years old.
Q Has an application been made for the enrollment of Bulah Beal? A Yes, sir.
Q Do you know when that application was made? A No, sir; I don't.
Q Did you fill out any affidavits at the time that child was applied for? A Yes, sir.
Q Do you remember what year that was? A No, sir; I don't believe I can say.
Q Can you say about how many years that was? A I can't.
Q You say you filled out some affidavits; how many did you fill out? A Two.
Q Filled out two applications? A Filled out two affidavits.
Q When was the last one filled out, if you can't remember when the first one was filled out? A About two years ago, probably; I don't remember just exactly.
Q Were those two affidavits in connection with the enrollment of another child, or the same child, Bulah. A The same child.
Q What is the name of your next child to Bulah? A William D.

Q How old is that child? A Four years old.
Q And that is the child for whom application was made about two years ago, you think? A That was Bulah.
Q When was Application made for William D.? A I couldn't tell you.
Q Well, as near as you can remember? A I guess about three years ago.

Bulah Beal and William D. Beal, children of the applicant, appear on Choctaw Field Card No. 5843 and as Nos. 15720 and 15721, respectively, upon the final roll of citizens by blood of the Choctaw Nation, approved by the Secretary December 2, 1904.

Witness excused.

WILLIAM A. BEAL.

William A. Beal, being first duly sworn, testifies as follows:

EXAMINATION BY THE COMMISSION.

Q What is your name? A William Albert Beal.
Q Are you the husband of Sallie Cora Beal? A Yes, sir.
Q Mr. Beal, do you claim that any application was ever made for the enrollment of your wife, Sallie Cora Beal, as a citizen by inter-marriage of the Choctaw Nation? A Probably not, until now. She and I went together to Durant to appear before the Commission; that was in 1899, I drawed my ticket and went in and they rejected me. My wife followed me in, but the man I went before said as I was rejected there wasn't any show for her. So she give up her ticket and we went home. I told the Commission, the man I went before, that my x wife was there too, and that I wanted to enroll her; he said there wasn't any use for her to try; that I had x better get on the roll first.
Q You say you told the man before whom you appeared at that time that you wanted your wife enrolled? A Yes, sir.
Q Did your wife tell him that she wanted to be enrolled? A No, sir
Q What did he tell you when you told him that your wife wanted to apply for enrollment? A He said there wasn't any use.
Q Did he say why there wasn't any use? A He said I had been rejected; that I wasn't on the roll; that I had better be looking out for myself; that's about all he said in that line.
Q Did you afterwards take any steps towards securing enrollment for your wife? A I thought I did.
Q What is it you thought youdid? A Well, Mr. McPherrin agreed to put me and two children and my wife on the roll for $30.00 ahead.
Q Did you do anything in the line of making application to this Commission for your wifes enrollment? A No, sir.
Q Do you remember what month in 1899 it was you appeared before the Commission? A No, sir; I don't believe I remember the month.

CROSS-EXAMINATION.

BY MR. COBB:

Q Mr. Beal, do you know when the application for the enrollment of your two children was made? A One was made in 1901.

Sallie Corn Beal &c

Q Which one was that? A Next to the eldest one, William D.
Q When was the other one made? A In 1902 or '03, I don't know which it was.
Q About when was your enrollment approved, Mr. Beal? A In 1904, December, I believe it was.
Q Then, as a matter of fact, from the time you were rejected in 1899, until your approval in 1904, your status as a citizen was undetermined? A Yes, sir.

The applicant desires to call the attention of the Commission to that part of the record of the Commission in the case of William Albert Beal, et al, which shows that Albert Beal was refused enrollment at Durant, Indian Territory, that part of the record which show that original marriage license certificate of the applicant, and to that part of the record which shows that on the 22nd day of September, 1901, there was filed with the Commission an application executed by the applicant making application for the enrollment of William D. Beal, wherein the applicant states that the facts that she is a citizen by inter-marriage of the Choctaw Nation, and the wife of Albert Beal, and to that part of the record which shows that Albert Beal was not approved as a citizen by blood of the Choctaw Nation until October 15, 1904.

BY THE COMMISSION:

Q When were you married to Sallie Corn Beal? A In 1897.
Q At the time you married her had you ever been married to anyone else? A Yes, sir.
Q How many times had you been married before you married her? A Two.
Q Were your former wives living at the time you married her? A One was; one was dead.
Q What was the name of your first wife? A Janie Gardner.
Q Was she living at the time you married your present wife? A No, sir.
Q What was the name of that second wife? A Birdie Brantley.
Q Was she living at the time you married your present wife? A Yes.
Q Did you secure a divorce from her? A Yes, sir.

Witness excused.

Vester W. Rose, stenographer to the Commission to the Five Civilized Tribes, states on oath that he reported all the proceedings had in the above entitled case at Muskogee, Indian Territory, on the 22nd, day of May, 1905, and that the same is a full, true and correct transcript of his stenographic notes in said case.

Vester W. Rose

Subscribed and sworn to before me this the 23rd day of May, 1905.

Myron Pate
Notary Public.

Memo.-79.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

----------o----------

In the matter of the alleged application for the enrollment of Sallie Cora Beal as a citizen by intermarriage of the Choctaw Nation.

----------o----------

It appears from the record herein that on May 22, 1905, Sallie Cora Beal appeared in person before the Commission to the Five Civilized Tribes and presented testimony relative to an application alleged to have been made for her enrollment as a citizen by intermarriage of the Choctaw Nation within the time limited by the provisions of the Act of Congress approved July 1, 1902 (32 Stats.,641),

The applicant and her husband, William Albert Beal, both testify that in the year 1899 they appeared before said Commission at Durant, Indian Territory, and application was then made for their enrollment, and that said William Albert Beal was rejected at that time, and was then informed that as he was rejected it was useless to seek enrollment for his wife.

It further appears from the record herein, and from the records of said Commission that on September 23, 1901, there was filed with said Commission written application for the enrollment of William D. Beal, born February 7, 1901, son of the present applicant, as a citizen by blood of the Choctaw Nation, which written application consists in part of the written affidavit of Sallie Cora Beal (as Sallie Beal), that she is a citizen by marriage of the Choctaw Nation, is the wife of Albert Beal, and the mother of said William D. Beal.

I am of opinion that the filing with said Commission of said written application for the enrollment of William D. Beal, constitutes a sufficient application for the enrollment of said Sallie Cora Beal as a citizen by intermarriage of the Choctaw Nation, made as of the date the same was filed, and that said application should now be determined on the merits, and it is so ordered.

Commissioner.

Muskogee, Indian Territory,

SEP 28 1905.

COPY.

7-8643

Muskogee, Indian Territory, September 29, 1905

Sallie Cora Beal,

Silo, Indian Territory.

Dear Madam:

You are hereby advised that on September 28, 1905, the Commissioner to the Five Civilized Tribes issued an order holding that application was made for your enrollment as a citizen by intermarriage of the Chestaw Nation within the time limited by the Act of Congress approved July 1, 1902 (32 Stat., 641) and that said application should now be determined on the merits.

You are further advised that before your right to such citizenship can be finally determined it will be necessary for you to file with this office evidence of the divorce of your husband, William Albert Beal, from his former wife Birdie Brantley who, it appears from the evidence on file, was living at the time of your marriage to the said William Albert Beal.

Respectfully,

SIGN: Tams Bixby

Commissioner.

COPY.

Y-5843.

Muskogee, Indian Territory, September 29, 1905.

Guy P. Cobb,

Attorney at Law,

Ardmore, Indian Territory.

Dear Sir:

You are hereby advised that on September 28, 1905, the Commissioner to the Five Civilized Tribes issued an order holding that an application was made for the enrollment of Sallie Cora Beal as a citizen by intermarriage of the Choctaw Nation within the time limited by the Act of Congress approved July 1, 1902 (32 Stat., 641)., and that said application should now be determined on the merits.

You are further advised that before said application can be finally determined it will be necessary for you to file with this office evidence of the divorce of William Albert Beal from his former wife Birdie Brantley, who, it appears from the evidence on file, was living at the time of the marriage of the applicant to the said William Albert Beal.

Respectfully, Tams Bixby

SIGNED

Commissioner.

COPY.

7-5843.

Muskogee, Indian Territory, September 29, 1905

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on September 28, 1905, the Commissioner to the Five Civilized Tribes issued an order holding that an application was made for the enrollment of Sallie Cora Beal as a citizen by intermarriage of the Choctaw Nation within the time limited by the Act of Congress approved July 1, 1902 (32 Stat., 641), and that said application should now be determined on the merits.

Respectfully,

Tams Bixby

SIGNED

Commissioner.

C E R T I F I E D C O P Y.

Marriage License.

State of Texas.
County of Grayson.

To any Judge of the District Court, Judge of the County Court, Ordained or Licensed Minister, Jewish Rabbi, or Justice of the peace of Grayson County, GREETING:

You are hereby authorized to celebrate the Rites of Matrimony between W. B. Beal and Sallie Gardner and make due return to the Clerk of said Court within Sixty days thereafter certifying your action under this license.

Witness my official signature and seal this 9" day of October, 1897.

(Signed) L. M. Tuck,
Clerk.

(SEAL).

I, A. G. Noble, certify that on the 10th day of October, 1897, I united in marriage W. B. Beal and Sallie Gardner the parties above named.

Witness my hand this 10" day of October, 1897.

(Signed) A. G. Noble,
Minister of the Gospel.

Endorsed:
State of Texas,
County of Grayson.

I, P. F. Ellis, Clerk of the County Court of Grayson County, Texas, do hereby certify that the marriage license on the reverse side hereof is a true and correct copy of the marriage license issued to W. B. Beal and Sallie Gardner, as the same appears of record in Book N, at Page 572 of the marriage license records of said County.

Witness my hand and official seal, this the 15th day of June, 1904.

(Signed) P. F. Ellis,
Clerk of the County Court,
Grayson County, Texas.

(SEAL)

I, Frances R. Lane, a stenographer to the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true, accurate and correct copy of the marriage license and certificate of W. B. Beal and Sallie Gardner, which is on file with the records of this office in the Choctaw Citizenship case of William Albert Beal et al, (Choctaw R-18).

Frances R. Lane

Subscribed and sworn to before me this October 12, 1905.

J B Campbell

Notary Public.

Department of the Interior?

Commission to the Five Civilized Tribes.
Filed June 22, 1904.
Tams Bixby, Acting Chairman.

No. 125

Albert Reese

vs.

Bertie Reese

COPY OF ORDER OF COURT.

....., Clerk,

By ....., Deputy.

T—365

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
AUG 2 1905
CHIEF CLERK.

Marr 79

United States of America,
INDIAN TERRITORY,
Central DISTRICT. } ss:

I, E. J. Fannin, Clerk of the District Court of the United States for the Central District of the Indian Territory, do hereby certify the foregoing to be a true copy of an order made by said Court on the 22nd day of Nov., 1897, as appears from the records of said Court now on file in my office.

IN TESTIMONY WHEREOF, I have hereunto set my hand, at my office in Atoka, in said District, this 1st day of August, A. D. 1905

E. J. Fannin, Clerk,

By J. W. Fannin, Deputy.

Form No. 1 Dec.

COPY OF ORDER OF COURT.

United States of America,
INDIAN TERRITORY,
Central DISTRICT. } ss:

IN THE UNITED STATES COURT in the Indian Territory, Central District, at a term thereof begun and held at Atoka, in the Indian Territory, on the 9th day of November 1897, A. D. 190 ; Present, the Honorable Wm. H. H. Clayton, Judge of said Court.

The following order was made and entered of record, to wit:

Monday Nov 22 1897.

Albert Beall

175 vs Decree

Bertie Beall

This cause coming on to be heard this 22nd day of November 1897 and the Plaintiff appearing by his Attorney and it appearing that the defendant had been legally summonned and failed to appear and make answer; And it appearing that the allegations in the Plaintiff's complaint are true, and the Court being fully advised in the premises,

It is therefore ordered, adjudged and decreed that the bonds of matrimony existing between the plaintiff and the defendant be and the same are hereby dissolved, set aside and held for naught and that each party be restored to all property not disposed of at the commencement of this action, which each party obtained from or through the other during the marriage or in consideration and by reason thereof.

1—[illegible]

7-5843.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Sallie Cora Beal as a citizen by intermarriage of the Choctaw Nation.

- - : D E C I S I O N : - -

It appears from the record herein that application for the enrollment of Sallie Cora Beal as a citizen by intermarriage of the Choctaw Nation was duly made to the Commission to the Five Civilized Tribes within the time limited by the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641).

It further appears from the record herein that on October 10, 1897, the applicant, Sallie Cora Beal was married, under the laws of Texas, to William Albert Beal, a recognized and enrolled citizen by blood of the Choctaw Nation, whose name appears as No. 15718 upon the lists prepared by the Commission to the Five Civilized Tribes under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), of persons entitled to enrollment as citizens by blood of the Choctaw Nation, and approved by the Secretary of the Interior, December 2, 1904; that at the time of said marriage both persons above mentioned were residents in good faith of the Choctaw Nation, and that they continued to reside together as husband and wife in said Nation from the date of their marriage up to and including September 25, 1902, with the exception of a temporary separation of three weeks in 1897.

I am therefore of opinion that Sallie Cora Beal should be enrolled as a citizen by intermarriage of the Choctaw Nation under the provisions of the Acts of Congress approved June 28, 1898 (30 Stats., 495), and July 1, 1902 (32 Stats., 641), and it is so ordered.

Commissioner.

Muskogee, Indian Territory,

NOV 14 1905

7-5843

COPY.

Muskogee, Indian Territory, November 14, 1905.

Sallie Cora Beal,

Silo, Indian Territory,

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered November 14, 1905, granting the application for the enrollment of yourself as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from the date of this notice within which to file protest against your enrollment. If at the expiration of that time no protest has been filed, your name will be placed upon the final roll of citizens by intermarriage of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

Tams Bixby

Commissioner.

Registered.

Incl. 7-5843

7-3843

COPY

Muskogee, Indian Territory, November 14, 1905.

Guy P. Cobb,

Attorney at Law,

Ardmore, Indian Territory,

Dear Sir:

You are hereby notified that the Commissioner to the Five Civilized Tribes, on November 14, 1905, rendered his decision granting the application for the enrollment of Sallie Cora Beal as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from the date of this notice within which to file protest against her enrollment. If at the expiration of that time no protest has been filed, the name of Sallie Cora Beal will be placed upon the final roll of citizens by intermarriage of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

Tams Bixby
Commissioner.

Registered.

7-3843

Muskogee, Indian Territory, November 14, 1905.

COPY.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered November 14, 1905, granting the application for the enrollment of Sallie Cora Beal as a citizen by intermarriage of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from the date of this notice within which to file protest against the enrollment of this applicant. If at the expiration of that time no protest has been filed, the name of Sallie Cora Beal will be placed upon the final roll of citizens by intermarriage of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,
SIGNED
Tams Bixby
Commissioner.

Registered.
Incl.7-3843

See 7-3403 for registry receipt for this letter.

Muskogee, Indian Territory, November 23, 1900

J. G. Gardner,

Kiowa, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the 19th instant in which you state that you are the grand-father of Samantha Beal, the daughter of Albert Beal, and her guardian.

You further state in your letter that you are informed that the Beals are Choctaw citizens and were enrolled as such by this Commission at Durant, Indian Territory.

You request to be informed if they are actual citizens of the Choctaw Nation and if the name of Samantha Beal appears upon the roll of Choctaw Indians as being prepared by this Commission.

You are informed that the records of this Commission show that at Durant, Indian Territory, in August, 1899, Albert Beal, 28 years of age, made personal application to this Commission for the enrollment of himself and his two minor children, Samantha and Beulah Beal, as citizens of the Choctaw Nation, claiming such right by reason of the fact that his father Reuben Beal was admitted to citizenship in the Choctaw Nation by act of the Choctaw Council, approved October 25th, 1890. It does not appear however, that Albert Beal was admitted to citizenship in the Choctaw Nation by the Council at the time his father Reuben Beal was so admitted but was living at that time.

It further appears from the records of the Choctaw Nation

that when the payment of the Leased District was made in 1893, that Albert Beal and Samantha Beal were each paid the per capita sum of $[illegible] as their prorata share of that payment, which was receipted for by W. A. Durant, and their names appear upon the 1893 pay roll of the Choctaw Nation, Blue County Page No. 6, Nos. 61 and 62.

When the tribal rolls of citizens of the Choctaw Nation prepared by the Choctaw authorities in 1896 were made, the names of Albert Beal, 32 years of age and his daughter, Samantha Beal, were placed upon said roll and appear thereon as residents of Blue County, page 39, Nos. 1564 and 1574 respectively.

At the time of Albert Beal's appearance in person before the Commission at Durant in August, 1899, the Commission did not place his name upon the rolls of citizens of the Choctaw Nation as being prepared by authority of the act of Congress of June 28th, 1898, for the reason that he was living at the time his father was admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities and was not a party to the act by which his father was admitted.

If Mr. Beal desires to further present his claim and the claim of his two children as citizens of the Choctaw Nation to this Commission, the Commission will hear such additional testimony as he may desire to offer and the testimony of such witnesses as he may present at any time prior to the forwarding of the final rolls of citizens of the Choctaw Nation to the Secretary of the Interior for approval. It is suggested however, that if it is his purpose to further prosecute his right and the rights of his children to citizenship in the Choctaw Nation, that he do so within the near future.

A hearing will be held next week at the Commission at Atoka, Indian Territory, beginning December 1900 and at such time he will be allowed to introduce any that he may desire in support of his and his children's claims to enrollment.

Your[illegible]truly,

Acting Chairman.

7-R-48

Muskogee, Indian Territory, September 23, 1901.

Mr. Albert Beal,

Durant, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the application for enrollment as a citizen of the Choctaw Nation of William D. Beal, the infant son of Albert and Sallie Beal, born February 7, 1901 and the same has been accepted and duly filed as evidence of the birth of this child.

Yours truly,

7- R 18

Commissioner in charge.

Choctaw R-10

Muskogee, Indian Territory, April 7, 1902.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that from an examination of the 1896 Choctaw tribal rolls, in the possession of the Commission to the Five Civilized Tribes, it appears that the name of Albert Beal or Beals is enrolled thereon at page 39, number 1864; whereon also appears the following notation: "Refused enrollment."

It appears from the records of the Commission that the said Albert Beals or Beal heretofore made personal application to this Commission for enrollment as a citizen of the Choctaw Nation in the cause entitled "Albert Beal vs. the Choctaw Nation", Choctaw R-10.

You are notified that this application will be taken up for final consideration by the Commission at its office in Muskogee, Indian Territory, on Wednesday, the 14th day of May, 1902. On said date you may introduce additional testimony affecting said applicant's right to enrollment as a citizen of the Choctaw Nation, provided ten days previous notice of your intention to do so has been given by you to said applicant.

You are further notified that the said applicant will at the same time be given an opportunity to introduce additional testimony affecting his right to enrollment as a citizen of the Choctaw Nation.

Yours truly,

T. B. Needles

Commissioner in Charge.

Choctaw R-18

Muskogee, Indian Territory, April 7, 1902.

Samantha Beals, or Beal,

Caddo, Indian Territory.

Dear Madam:

It appears from the records of the Commission to the Five Civilized Tribes that you heretofore made personal application to the Commission for enrollment as a citizen of the Choctaw Nation.

You are notified that this application will be taken up for final consideration by the Commission at its office in Muskogee, Indian Territory, on Wednesday, the 14th day of May, 1902. On said day, you may if you so desire, appear before the Commission in person or by attorney and introduce additional testimony affecting your right to enrollment under the following provisions of the Act of June 28, 1898:

> "Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes [than Cherokee], eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."
>
> "No person shall be enrolled who has not heretofore moved to and in good faith settled in the nation in which he claims citizenship."

The representatives of the Chamber Nation may at the same time interview additional institutions which desire to enroll, provided they give us the more precise notice of their intention to do so.

Yours truly,

E. B. Meadles

Commissioner in Charge.

Choctaw R- 18

Muskogee, Indian Territory, April 7, 1902.

Albert Beals, or Beal,

Cadio, Indian Territory.

Dear Sir:

It appears from the records of the Commission to the Five Civilized Tribes that you heretofore made personal application to the Commission for enrollment as a citizen of the Choctaw Nation.

You are notified that this application will be taken up for final consideration by the Commission at its office in Muskogee, Indian Territory, on Wednesday, the 14th day of May, 1902. On said date you may, if you so desire, appear before the Commission in person or by attorney and introduce additional testimony affecting your right to enrollment under the following provisions of the Act of June 28, 1898:

"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes (than Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto and their descendants born since such rolls were made with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

"No person shall be enrolled who has not heretofore moved to and in good faith settled in the nation in which he claims citizenship."

A. B. B.

The representatives of the Pacific Bell may at the time make additional matters affecting your rights be considered, provided they give you two days previous notice of their intention to do so.

Yours truly,

T. B. Needles

Commissioner in Charge.

Choctaw R 18

Muskogee, Indian Territory, February 2, 1903.

W. E. Cook,

Silo, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of January 28, asking if Albert Beal's citizenship is unquestioned, and in reply you are advised that it appears from our records that Albert Beal is an applicant for the enrollment of himself and his three minor children, Samantha, Beulah and William O. Beal, as citizens by blood of the Choctaw Nation, and their final right to such enrollment has not yet been determined. As soon as a decision is reached in this case the applicant will be notified of the action of the Commission.

Respectfully,

Acting Chairman.

7-B-18.

Muskogee, Indian Territory, May 27, 1904.

Mr. Albert Beal,

Caddo, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of your children, Samantha Beal, Buelah Beal and William D. Beal, as citizens by blood of the Choctaw Nation, it will be necessary for you to furnish the Commission with either the original or a certified copy of the marriage license and certificate between yourself and the mother of these children.

In the matter of the application for the enrollment of Buelah Beal, it will also be necessary for you to supply the Commission with proof of the birth of said child, a blank for which purpose being enclosed herewith.

In having the same executed, be careful to see that all blank spaces are properly filled, all names written in full and that the Notary Public, before whom the affidavits are sworn to, attaches his name and seal to each separate affidavit. In case any signature is by mark, it must be attested by two disinterested parties witnesses thereto.

You will furnish the evidence requested at the earliest possible date, as until the same is received the Commission cannot

A.B.--2.

determine the rights of your said children to enrollment as citizens by blood of the Choctaw Nation.

Respectfully,

Chairman.

Esv.

D.C.

Tahlequah

Muskogee, Indian Territory, June 22, 1904.

William Albert Beal,

Durant, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the affidavits of Sallie Beal and W. B. Webster, relative to the birth of your minor daughter, Beulah Beal, November 2, 1898, and the same being in proper form have been duly filed with the records of the Commission as evidence of birth of the above named child.

Receipt is also acknowledged of the marriage license and certificate of William A. Beal and Sallie Garbert, and the same have been duly filed with our records in the matter of the application for the enrollment of your minor children as citizens by blood of the Choctaw Nation.

Respectfully,

Commissioner in Charge.

7-R-18

COPY.

Muskogee, Indian Territory, October 15, 1904.

OPY.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission, rendered October 15, 1904, granting the applications of the several persons included in the consolidated case of William Albert Beal et al.

You are hereby notified that you will be allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicants as citizens of the Choctaw Nation. If at the expiration of said time no protest has been filed, their names will be placed upon the final roll of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Tams Bixby.

Chairman.

Registered.

Inclo. 7-R-18.

See 7-R-18 for registry receipt for this letter.

7-B-18

Muskogee, Indian Territory, October 18, 1904.

COPY.

William Albert Beal,

Durant, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered October 15, 1904, granting the application for the enrollment of yourself, your wife, Samantha Beal, and your minor children, Eulah Beal and William D. Beal as citizens by blood of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicants as citizens of the Choctaw Nation. If at the expiration of that time no protest has been filed, your names will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Tams Bixby.

Chairman.

Registered.

Inal.7-B-18.

Muskogee, Indian Territory, August 6, 1908.

Guy P. Cobb,
Attorney at Law,
Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of August 4, 1908, enclosing certified copy of the decree of divorce between Albert Beall and Bertie Beall which you offer in the matter of the enrollment of Ballie Beal and the same has been filed with the record in this case.

Respectfully,

Acting Commissioner.

Choctaw 5843

Muskogee, Indian Territory, October 2, 1903.

Chief Clerk,

Choctaw Land Office,

Atoka, Indian Territory,

Dear Sir:

For your information there is inclosed herewith copy of name and information placed at Number 3 on Choctaw roll card Number 5843, William Albert Beal, et al.

You will therfore make the duplicate of this card in your possession conform to the information thereon and add the name of this person to your list of undetermined applicants for enrollment in the Choctaw Nation.

Respectfully,

Commissioner.

AB 17-2

Choctaw 5843

Muskogee, Indian Territory, October 2, 1905.

Chief Clerk,

Chickasaw Land Office,

Ardmore, Indian Territory,

Dear Sir:

For your information there is inclosed herewith copy of name and information placed at Number 6 on Choctaw roll card Number 5843, William Albert Beal, et al.

You will therefore make the duplicate of this card in your possession conform to the information thereon and add the name of this person to your list of undetermined applicant for enrollment in the Choctaw Nation.

Respectfully,

Commissioner.

AS 18-2

Choctaw 5843

Muskogee, Indian Territory, October 11, 1905.

Guy P. Cobb,
Attorney at Law,
Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of October 9 referring to office letter of September 29, advising that it would be necessary, in the matter of the enrollment of Sallie Cara Beal as an intermarried citizen of the Choctaw Nation, that certified copy of the decree of divorce of William Albert Beal from his former wife, Birdie Brantley, be furnished, and stating that on August 4, 1905, you forwarded certified copy of this decree of divorce. You therefore wish to be advised if the same was not received.

In reply you are advised that it appears from the records of this office that certified copy of the decree of divorce between Albert Beal and [redacted] Beal was filed August 7, 1905. It will not, therefore, be necessary that further evidence of this divorce be furnished at this time.

Respectfully,

Commissioner.

7-5843

Muskogee, Indian Territory, November 3, 1905.

Sallie Cora Beal,

Silo, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of October 30, 1905, asking what further evidence is necessary in your case.

In reply to your letter you are advised that your application for enrollment as an intermarried citizen of the Choctaw Nation is now receiving consideration and as soon as a decision is reached you will be notified of the action taken therein.

In event further evidence is necessary to enable this office to determine your right to such enrollment you will be advised.

Respectfully,

Commissioner.

Chas. Scott

Rosa Dills

Trans from Choc R-75

Oct. 31, 1904

Commission to the Five Civilized Tribes,

Durant, Indian Territory.

In the application of Rosa Dills as a Choctaw, being sworn and examined by Com'r McKennon she testifies as follows:

Q What is your name? A Rosa Dills.

Q How old are you? A Seventeen.

Q What is your husband's name? A Eugene Dills.

Q When were you married to him? A I have been married three years.

Q You remember the date of your marriage? A I w as married the 14th of October, 1896.

Q It will be three years next October? A Yes sir.

Q Is he a white man? A Yes sir.

Q You were married under United States law? A Yes sir.

Q You are the daughter of Reuben Beal who was admitted by the Act of the Choctaw Council #12 approved October 25th, 1890 as Reuben Beals are you? A Yes sir.

Q You have no children? A Yes sir, I have one.

Q What is its name? A Nora M.Q What is the date of her birth? A 8th of October. She will be 2 years old this October, the 8th. She was born on October 8th, 1897.

(Com'r McKennon: Her name is on the Choctaw roll of 1893, -Pay Roll-, on page 6 #59, as Rosa Beal; also on the Choctaw roll of 1896, page 39, #667, as Rosa Beals)

Com'r McKennon: As you were not included in the act which admitted your father, Reuben Beal, and were born prior to the date of that Act, the Commission has found that you are enrolled upon the Choctaw rolls without authority of law, and your enrollment and that of your child will be refused.

Department of the Interior

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 22 1904

The State of Texas }
Hunt County. }

To the Judge of the County Court of Hunt County, Greeting:

Pursuant to Order entered on the 22 day of June A.D. 1904 in the County Court of Hunt County, Texas, in the matter of the Estate of Jesse Ingram, deceased, I, the undersigned Clerk of the County Court of said County, within sixty days thereafter, received the petition of Della Ingram and Mina Ingram duly verified praying for the appointment of Della Ingram as Guardian of the estate of said minors, and that said petition was set for hearing on the 22 day of June A.D. 1904.

I, A. Smith, Clerk County Court.

(Seal.)

Hunt County.

The State of Texas,
Hunt County.

To any Judge of the County or District Court, Regularly Licensed or Ordained Minister of the Gospel, or Justice of the Peace, in and for said County of Hunt-- GREETING:-

You are hereby authorized to solemnize the Rites of Matrimony between Mr. Eugene Dills and Miss Rosie Beal and make due return to the Clerk of the County Court of said County, within sixty days thereafter, certifying your action under this License.

Witness my official signature and seal of office at office in Greenville, this 13 day of Aug. A.D. 1896.

(Seal.)

T.A. Smith, Clerk County Court,
Hunt County.

I, hereby certify that on the 15 day of Aug. A.D. 1896, I united in marriage Mr. Eugene Dills and Miss Rosa Beal the parties above named.

Witness my hand this the 21 day of Aug. 1896.

Eld. D.A. Fuller.

Returned and filed for record this 24th. day of August A.D. 1896.

T.A. Smith, County Clerk.

The State of Texas,
County of Hunt.

I, G.W. Bucker, Clerk of the County Court, in and for the County of Hunt, and State aforesaid, do hereby certify that the above and foregoing is a true and correct copy of Marriage License, together with return thereon, of Mr. Eugene Dills and Miss Rosie Beal, as recorded in volume "I" page 190, Marriage Records of Hunt Couny, Texas.

Given under my hand and official seal at office in Greenville Texas, this the 15th. day of June, A.D. 1904.

G.W. Bucker, Clerk County Court,
Hunt County, Texas.

By W.L. James Deputy.

CHOCTAW 20 INDEXED

IN RE

Application for Enrollment of

INFANT CHILD

Nora May Dills

as a citizen of

CHOCTAW Nation.

Approved JUN 22 1904 190

Commissoner.

proof of birth of child listed for enrollment August 1899.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 22 1904

Chairman.

CHOCTAW

R 75
5444

BIRTH AFFIDAVIT. 20

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In Re Application for Enrollment, as a citizen of the Choctaw Nation,
of Nora Moay Dills, born on the 8th day of October, 1897.
(Give full name of child)

Name of Father: Eugene Dills a citizen of the Nation.

Name of Mother: Rosa Dills a citizen of the Choctaw Nation.

Post-office Silo I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Central District.

I, Rosie Mills, on oath state that I am twenty two years of age and a citizen, by blood, of the Choctaw, Nation; that I am the lawful wife of Eugene Mills, who is a citizen, by intermarriage, of the Choctaw Nation; that a Female (Male or female) child was born to me on 8th. day of October 1897; that said child has been named Nora May Dills, and is now living.

WITNESSES TO MARK:

Rosie Dills

{Must be Two Witnesses.}

Subscribed and sworn to before me this 18th. day of June 1904.

(My commission expires Dec. 5, 1906.) S. M. Kinsley
NOTARY PUBLIC.
Central District, Indian Territory.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Southern District.

I, W. S. Webster, a Physician, on oath state that I attended on Mrs. Rosa Dills, wife of Eugene Dills on the 8th day of October, 1897 that there was born to her on said date a Female (MALE OR FEMALE) child; that said child is now living and is said to have been named Nora Moay Dills.

WITNESSES TO MARK:

W. S. Webster

{Must be Two Witnesses}

Subscribed and sworn to before me this 16th day of June, 1904.

W. S. Simmons
NOTARY PUBLIC.

CHOCTAW.

20

IN RE

Application for Enrollment of

INFANT CHILD

Esther Lee Dills

as a citizen of

Choctaw Nation.

SEP 23 1901

Approved, ... 190....

C. R. Breckinridge

Commissioner.

Accepted and filed only as evidence of birth.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 23 1901

ACTING CHAIRMAN.

Accd

CHOCTAW. 5844

BIRTH AFFIDAVIT. 20

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Choctaw Nation,
of Lethen Lee Dills (Here insert name of child.), born on the 22 day of July, 1900
Name of Father: E. G. Dills, a citizen of the U.S. Nation.
Name of Mother: Rosa Dills, a citizen of the Choctaw Nation.
Post-office, Durant I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Southern District.

I, Rosa Dills, on oath state that I am nineteen years of age and a citizen, by Blood, of the Choctaw Nation; that I am the lawful wife of E. G. Dills, who is a citizen, by Lake U.S., of the Nation; that a Female (male or female.) child was born to me on the 22 day of July, 1900; that said child has been named Lethen Lee Dills, and is now living.

Rosa Dills

WITNESSES TO MARK
(Must be Two Witnesses)

Subscribed and sworn to before me this 17th day of Sept. 1900.

G. F. Peck
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Southern District.

I, W. S. Webster, a Physician, on oath state that I attended on Mrs. Rosa Dills, wife of E. G. Dills, on the 22 day of July, 1900; that there was born to her on said date a Female (male or female.) child; that said child is now living and is said to have been named Lethen Lee Dills

W. S. Webster M.D.

WITNESSES TO MARK:
(Must be Two Witnesses)

Subscribed and sworn to before me this 19 day of Sept. 1900.

M M Webster
NOTARY PUBLIC.

CHOCTAW

INDEXED

IN RE

Application for Enrollment of

INFANT CHILD.

Nora May Dills

As a citizen of the

Choctaw Nation.

Approved JUN 16 1904 1

Commissioner.

Proof of birth of child for whose enrollment application was made in Aug 1899.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 16 1904
CHAIRMAN

File with
CHOCTAW R 75

Department of the Interior,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Choctaw Nation,
of Nora May Dills, born on the 8th day of Oct, 1897
Name of father: U. G. Dills, a citizen of the ~~United States~~ Choctaw Nation.
Name of mother: Rosa Dills, a citizen of the ~~Choctaw~~ Nation.
Post Office: Silo Ind Ter

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Central District.

I, Rosa Dills, on oath, state that I am 17 years of age and a citizen, by blood, of the Choctaw Nation; that I am the lawful wife of U. G. Dills who is a citizen, ~~by~~ of the U. S., ~~of the Nation~~; that a female child was born to me on the 8 day of Oct., 1897; that said child has been named Nora May Dills, and is now living.

Rosa Dills

Subscribed and sworn to before me this 16 day of August, 1899.

W. T. Spragle
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Southern District.

I, W. S. Webster M.D., a Physician, on oath, state that I attended on Mrs. Rosa Dills, wife of U. G. Dills on the 8th day of Oct, 1897; that there was born to her on said date a girl child; that said child is now living and is said to have been named Nora May Dills

W. S. Webster M.D.

Subscribed and sworn to before me this 16th day of Aug., 1899

W. T. Spragle
Notary Public.

COPY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of William Albert Beal, et al., as citizens of the Choctaw Nation, consolidating the applications of—

William Albert Beal, et al.----------7-B-18
Henry W. Harwood, et al.----------7-B-362
Reuben Beal Jr., et al.----------7-B-19
George Beal, et al.----------7-B-719
Rosa Willis, et al.----------7-B-75
Arthur Beal, et al.----------7-B-384
John Peter Beal, et al.----------7-B-580
Willie Gravitt, et al.----------7-B-417
Ada Dahl Moore, et al.----------7-B-369
William T. Beal----------7-B-384

—:D E C I S I O N:—

It appears from the census card records of the Commission that on August 14, 1899 William Albert Beal appeared before the Commission and made personal application for the enrollment of himself and his two minor children, Samantha Beal and Ruleh Beal, as citizens by blood of the Choctaw Nation; that on August 16, 1899 Henry W. Harwood appeared before the Commission and made personal application for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Cordelia Harwood, and their three minor children, Peyton Harwood, Claudie Harwood and Clarence Harwood, as citizens by blood of the Choctaw Nation; that on August 14, 1899 Reuben Beal Jr. appeared before the Commission and made personal application for the enrollment of himself and his minor child, Cora Neal, as citizens by blood, and for the enrollment of his wife, Ellen Beal (nee Mayberry) as a citizen by intermarriage, of the Choctaw Nation; that on May 16, 1902 George Beal appeared before the Commission and made personal application for the enrollment of himself and his minor child, Willie Lawson Beal, as citizens by blood of the Choctaw Nation; that on August 14, 1899 Rosa Willis appeared before the Commission and made personal application for the enrollment of herself and her minor child, Vera M. Willis, as citizens by blood of the Choctaw Nation; that on August 17, 1899 personal application was made to this Commission for the enrollment of Arthur Beal and Rhoda Beal as citizens

by blood of the Choctaw Nation; that on August 17, 1899 personal application was made to this Commission for the enrollment of John Peter Beal, Pony Beal and Roy May Beal as citizens by blood of the Choctaw Nation; that on August 15, 1899 personal application was made to this Commission for the enrollment of Willie Gravitt, Phelan Gravitt and Andy Gravitt as citizens by blood of the Choctaw Nation; that on August 16, 1899 personal application was made to this Commission for the enrollment of Ada Bell Beal (now Moore) and Annie Beal as citizens by blood of the Choctaw Nation; that on August 17, 1899 personal application was made to this Commission for the enrollment of William T. Beal as a citizen by blood of the Choctaw Nation and that written applications were made to this Commission for the enrollment of William D. Beal, Lulu Marcum, Benj. Lee Beal, Lether Lee Dills and Roy L. Moore, as citizens by blood of the Choctaw Nation on September 23, 1901, October 28, 1901, November 25, 1902, September 23, 1901 and May 16, 1902, respectively. The applications of those persons whose names are mentioned in the record herein and whose rights are not passed upon in this decision have heretofore been disposed of by the Commission.

It appears from the record herein and the census card records of the Commission that the applicants, William Albert Beal, Cordelia Marcum, Reuben Beal Jr., George Beal, Rosa Mills, Arthur Beal and Johnnie Beal, are the offspring of the marriage of Mary Beal, a white woman having no rights of Choctaw citizenship by blood, and Reuben Beal, who was admitted to citizenship in the Choctaw Nation by an act of the General Council of said nation, approved October 25, 1890, and whose name appears as number 9638 upon the lists prepared by this Commission under the act of Congress approved July 1, 1902 (32 Stat., 641), of persons entitled to enrollment as citizens by blood of the Choctaw Nation and approved by the Secretary of the Interior on February 4, 1903; that the applicants, John Peter Beal, Pony Beal and Roy May Beal, are the offspring of the marriage of Ailsey Beal, a white woman having no rights of Choctaw citizenship by blood, and Pinkney Beal, who was admitted to citizenship in the Choctaw Nation by said act of the General Council of said nation, above referred to, and whose name appears as number 9931 upon the lists prepared by this Commission under said act of Congress approved July 1, 1902, of persons entitled to enrollment as citizens by blood of the Choctaw Nation and approved by the Secretary of the Interior on February 4, 1903; that the applicants, Willie Gravitt, Phelan Gravitt and Andy Gravitt, are the offspring of the marriage of John Gravitt, a white man having no rights of Choctaw citizenship by blood, and Maggie Gravitt (nee Beal), who was admitted to citizenship in the Choctaw Nation by said act of the General Council of said nation, above referred to, and whose name appears as number 9748 upon the lists prepared by this Commission under said act of Congress approved July 1, 1902, of persons entitled to enrollment as citizens by blood of the Choctaw Nation and approved by

the Secretary of the Interior on February 4, 1903; that the applicants, Ada Ball Moore and Annie Beal, are the offspring of the marriage of Donnie Beal, a white woman having no rights of Choctaw citizenship by blood, and William C. Beal, who was admitted to citizenship in the Choctaw Nation by said act of the General Council of said nation, above referred to, and whose name appears as number 9954 upon the lists prepared by this Commission under said act of Congress approved July 1, 1902, of persons entitled to enrollment as citizens by blood of the Choctaw and approved by the Secretary of the Interior on February 4, 1903; that the applicant, William T. Beal, is the offspring of the marriage of Brown Beal, a white woman having no rights of Choctaw citizenship by blood and Andrew P. Beal, who was admitted to citizenship in the Choctaw Nation by said act of the General Council of said nation, above referred to, and whose name appears as number 10096 upon the lists prepared by this Commission under said act of Congress approved July 1, 1902, of persons entitled to enrollment as citizens by blood of the Choctaw Nation and approved by the Secretary of the Interior on February 4, 1903; that the applicants, Samantha Beal, Bulah Beal and William D. Beal, are the offspring of the marriage of the applicant, William Albert Beal, and Sallie Beal, a white woman having no rights of Choctaw citizenship by blood; that the applicants, Jesse Marcum, Claudie Marcum, Clarence Marcum and Lulu Marcum, are the offspring of the marriage of the applicants, Reuben Beal Jr. and Eliza McCurry (formerly Beal); that the applicant, Benj. Lee Beal, is the offspring of the marriage of the applicant, Reuben Beal Jr., and Mosie Beal, a white woman having no rights of Choctaw citizenship by blood; that the applicant, Millie Levana Beal, is the offspring of the marriage of the applicant, George Beal, and Ada Beal, a white woman having no rights of Choctaw citizenship by blood; that the applicants, Nora M. Dills and Lether Lee Dills, are the offspring of the marriage of the applicant, Rosa Dills, and E. C. Dills, a white man having no rights of Choctaw citizenship by blood; and that the applicant, Roy L. Moore, is the offspring of the marriage of the applicant, Ada Ball Moore, and F. E. Moore, a white man having no rights of Choctaw citizenship by blood.

It further appears from the record herein that the applicants, William Albert Beal, Cordelia Marcum, Reuben Beal Jr., George Beal, Rosa Dills, Arthur Beal, Johnnie Beal, John Peter Beal, Percy Beal, Ray May Beal, Willis Gravitt, Phelan Gravitt, Andy Gravitt, Ada Ball Moore, Annie Beal and William T. Beal, were living on October 25, 1900, the date of the approval of said act of the General Council of the Choctaw Nation admitting their parents to citizenship in said nation, and that their names are not mentioned in said act of admission.

It appears from an examination of the tribal rolls in the possession of the Commission that the applicants, William Albert Beal, Samantha Beal, Cordelia Marcum, Jesse Marcum, Reuben Beal Jr., George Beal, Rosa Dills, Arthur Beal, Johnnie

Beal, John Peler Beal, Pony Beal, Roy May Beal, Willie Gravitt, Phelan Gravitt, Andy Gravitt, Ada Bell Moore, Annie Beal and William T. Beal, are identified upon the 1898 Choctaw Leased District Payment Roll, Blue County, numbers 61, 62, 788, 789, 54, 55, 59, 56, 57, 151, 152, 154, 507, 508, 509, 76, 77 and 156, respectively; and that the applicants, William Albert Beal, Samantha Beal, Cordelia Marcum, Jesse Marcum, Claudie Marcum, Reuben Beal Jr., George Beal, Rosa Dills, Arthur Beal, Johnnie Beal, John Peler Beal, Pony Beal, Roy May Beal, Willie Gravitt, Phelan Gravitt, Andy Gravitt, Ada Bell Moore, Annie Beal and William T. Beal, are identified upon the 1896 Choctaw Census Roll, numbers 1564, 1574, 8897, 8900, 8901, 1565, 1566, 1567, 1568, 1569, 1625, 1626, 1627, 4866, 4867, 4868, 1541, 1542 and 1546, respectively; said applicants being enrolled on said rolls as citizens by blood of said nation. The applicants, Eulah Beal, William D. Beal, Clarence Marcum, Lulu Marcum, Cora Beal, Benj. Lee Beal, Millie Levana Beal, Nora M. Dills, Lether Lee Dills and Roy L. Moore, having been born subsequent to the preparation of said 1896 Choctaw Census Roll, are identified by proper birth certificates, filed with and made a part of the record in this case.

It further appears from the record herein that the applicant, Henry W. Marcum, a white man, was first married to the applicant, Cordelia Marcum (nee Beal), under the laws of the State of Texas about 1892; that subsequently, on August 13, 1899, said parties were married in accordance with the laws, customs and usages of the Choctaw Nation; that at the time of said last mentioned marriage both of said parties were residents in good faith of the Choctaw Nation and that they lived together continuously in said nation as husband and wife from the date of said last mentioned marriage up to and including September 25, 1902.

It further appears from the record herein that the applicant, Eliza McCurry, a white woman, was on August 30, 1896 lawfully married to the applicant, Reuben Beal Jr.; that at the time of said marriage both of said parties were residents in good faith of the Choctaw Nation; that they lived together continuously as husband and wife from the date of said marriage until about January, 1898, when they separated and were divorced on August 15, 1900; that on September 23, 1900 the applicant, Eliza McCurry, was lawfully married to Walter McCurry, a white man having no rights of Choctaw citizenship by blood; and that the said Eliza McCurry had been a resident in good faith of the Choctaw Nation from the date of her said marriage with the said Reuben Beal Jr. up to and including September 25, 1902.

It further appears from the record in this case that all the applicants herein, who were then living, were on June 28, 1898 residents in good faith of Indian Territory.

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of James M. Buchholts, et al. (I.T.D. 8490-1903), William Albert Beal, Samantha Beal, Eulah Beal, William D. Beal, Cordelia Marcum, Reuben Beal Jr., Claudie Marcum, Jesse Marcum, Clarence Marcum, Lulu Marcum, Cora Beal, Benj. Lee Beal, George Beal, Millie Levana Beal, Rosa Dills, Nora M. Dills, Lether Lee Dills, Arthur

Neal, Johnnie Neal, John Tyler Neal, Roy Neal, Ray Ray Neal, Willie Corvin, Fannie Corvin, Andy Corvin, Lee Bell Moore, Annie Neal, Ray Le Roy, and William L. Neal should be enrolled as citizens by blood of the Choctaw Nation; that Henry W. Harrah should be enrolled as a citizen by intermarriage of said nation; and that, following the ruling of the Department in the case of Thomas B. Pegues (7 L.D. 188-194), relative to the question of retaining Helen Mowery should be enrolled as a citizen by intermarriage of said nation in accordance with the provisions of the act of Congress approved June 28, 1898 (30 Stat., 495) and July 1, 1902 (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tams Bixby.

Chairman.

T. B. Needles.

Commissioner.

C. R. Breckinridge.

Commissioner.

Muskogee, Indian Territory,

OCT 15 1904

Muskogee, Indian Territory, September 25, 1902.

Mr. T. G. Dills,

Durant, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the application for enrollment as a citizen of the Choctaw Nation of Lether Lee Dills, the infant daughter of T. G. and Rosie Dills, born July 22, 1900 and the same has been accepted and filed as evidence of the birth of the child.

Yours truly,

Commissioner in charge.

7- R. 75

7-B-75

Muskogee, Indian Territory, June 23, 1906.

Eugene Dills,

Durant, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the affidavits of Rosie Dills and W. S. Webster, relative to the birth of Nora May Dills, October 8, 1897, and the same being in proper form have been duly filed with the records of the Commission as evidence of birth of the above named child. Receipt is also acknowledged of certified copy of the marriage license and certificate of Eugene Dills and Rosie Beal, and the same have been duly filed with our records in the matter of the application for enrollment of the above named child as a citizen by blood of the Choctaw Nations.

Respectfully,

Commissioner in Charge.

T-R 78

Muskogee, Indian Territory, October 27, 1903.

Rosie Dills,

Silo, Indian Territory.

Dear Madam:

Your letter of October 6, addressed to the Secretary of the Interior has been by him referred to this Commission for consideration and appropriate action. You ask therein to be informed if action has been taken in the matter of your application for enrollment.

In reply to your letter you are informed that the Commission has not yet passed upon the application of Rosa Dills for the enrollment of herself and her minor children, Nora M. and Lether Lee Dills, as citizens of the Choctaw Nation. As soon as a decision is reached in this case you will be notified of the action of the Commission.

Respectfully,

Commissioner in Charge.

7-M-75.

Muskogee, Indian Territory, May 27, 1904.

Rosa Dills,

Silo, Indian Territory.

Dear Madam:-

In the matter of the application for the enrollment of your daughter, Nora M. Dills, as a citizen by blood of the Choctaw Nation, it will be necessary for you to furnish the Commission with proof of birth of said child, a blank for that purpose being enclosed you herewith.

In having the same executed be careful to see that all blank spaces are properly filled, all names written in full, and that the notary public, before whom the affidavits are acknowledged, attaches his name and seal to each separate affidavit. In case any signature is by mark, it must be attested by two disinterested parties witnesses thereto.

You should give this matter your immediate attention as until the evidence requested is furnished the Commission cannot determine the rights of your daughter as a citizen by blood of the Choctaw Nation.

Respectfully,

Env.

B.C.

Chairman.

Vol. 73

Muskogee, Indian Territory, June 16, 1904.

Sprowls & Crockett,
Attorneys at Law,
Durant, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 4th inst., enclosing the affidavits of Rosa Dills and W. S. Webster, relative to the birth of Zora May Dills, October 6, 1897, and the same being in proper form have been duly filed with our records as evidence of birth of said child.

Respectfully,

Chairman.

7-2-75

Muskogee, Indian Territory, October 15, 1904.

COPY.

Rosa Dills,

Dills, Indian Territory,

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered October 15, 1904, granting the application for the enrollment of yourself and your two minor children, Nora M. Dills and Lether Lee Dills as citizens by blood of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling you as citizens of the Choctaw Nation. If at the expiration of that time no protest has been filed, your names will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Tams Bixby.

Chairman.

Registered.
Incl. 7-R-75.

7-2-75

Muskogee, Indian Territory, October 15, 1904.

COPY.

Sproels & Crockett,

Attorneys at Law,

Durant, Indian Territory.

Gentlemen:

You are hereby notified that the Commission to the Five Civilized Tribes, on October 15, 1904, rendered its decision, granting the application for the enrollment of Rosa Dills and her two minor children, Nora M. Dills and Lether Lee Dills as citizens by blood of the Choctaw Nation, included in the consolidated case of William Arthur Beal, et al.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicants as citizens of the Choctaw Nation. If at the expiration of that time no protest has been filed, their names will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Tams Bixby.

Registered.

Chairman.

Choc 5845

Reuben Beal, Jr.

Trans from Choc # R-19

Oct. 31, 1904

5845

Commission to the Five Civilized Tribes,

Durant, Indian Territory.

In the enrollment of Reuben Beal, Jr., as a Choctaw; being sworn and examined by Com'r McKennon he testifies:

Q What is your name? A Reuben Beal, Jr.

Q How old are you? A Twenty-one.

Q You are a son of Reuben Beal whose name is mentioned in this act of Council #12, approved October 25th 1890 of the Choctaw Nation? A Yes sir.

Q Have you any family? A Yes sir

Q Is your wife a white woman? A Yes sir.

Q What is her name? A Eliza

Q How old i s she? A Twenty-One years

Q Have you got some children? A One

Q What is its name? A Cora

Q When was it born? A It was born in 1897

Q What time? A 28th day of June 1897.

Com'r McKennon: (Reuben Beal, Jr. is on the Choctaw roll of 1896.) As you never have been admitted, and were born prior to the admission of your father, you and your family will not be enrolled.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, that my official capacity as stenographer to above named Commission, that the foregoing transcript is a true, full and correct translation of my stenographic notes.

M D Brown

7-E-19.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, Indian Territory June 15, 1904.

In the matter of the enrollment of Elizabeth Beal as a citizen by intermarriage of the Choctaw Nation.

Eliza McCurry being first duly sworn testifies as follows:

Examination by the Commission:

Q What is your name? A Eliza McCurry.
Q Did it use to be Eliza Beal? A Yes, sir.
Q What is your post office address? A Lehigh.
Q Choctaw Nation? A Yes, sir.
Q How old are you? A Twenty-five.
Q Where were you born? A Born in Kentucky.
Q When did you come to live in Indian Territory? A I come to the Territory when I was a child.
Q Have you lived in the Territory ever since? A No, sir, been a resident since I come from Oklahoma about eight years ago.
Q Have you lived here ever since - in the Choctaw Nation? A Yes, sir.
Q Didn't live in the Chickasaw Nation? A No, sir.
Q You are a white woman? A Yes, sir.
Q You don't claim any rights as an Indian by blood? A No, sir.
Q Your parents don't either? A No, sir.
Q You claim as an intermarried citizen of the Choctaw Nation? A Yes, sir.
Q Through whom? A Reuben Beal Jr.
Q When were you married to him? A I think it was '96.
Q Have you got your marriage certificate with you? A No, sir, I haven't it with me, he sent for it and he was going to send it up here to the Commission.
Q You think you were married in 1896? A Yes, sir, I think it was.
Q By whom were you married? A Cantrell.
Q Minister of the Gospel was he? A Yes, sir.
Q Where were you married? A Married at Silo.
Q Indian Territory, Choctaw Nation? A Yes, sir.
Q At that time were you living in the Choctaw Nation? A Yes, sir.
Q How long had you been in the Nation at that time? A I had been there about four or five years I believe to the best of my recollection - four or five years I disremember exactly.
Q Where was Reuben Beal, Jr., living at that time? A He was living there.
Q In the Choctaw Nation? A Yes, sir.
Q How long had he been living in the Choctaw Nation - of your own knowledge? A Well he had been living there I guess about six or seven years if not longer.
Q Have you and he continued to live together as husband and wife in the Choctaw Nation? A Until we separated, yes, sir.
Q When was that? A I declare I don't believe I can tell you.
Q Don't you know what year it was? A We lived together a year and six months.

Q Then you separated? A Yes, sir.
Q He got a divorce from you didn't he? A Yes, sir.
Q There is on file with the Commission a decree of divorce between Ruben Beal and Elima Beal, rendered August 15, 1900 by Will Everedge, all are you the one mentioned here as Elima Beal? A I don't know - my name was Elima Beal.
Q Is this the decree of divorce between you and Reuben Beal Jr.?
A I don't know, I never saw it.
Q When did he get a divorce from you? A About five years ago.
Q In what court? A I don't know.
Q Weren't you served with any papers? A No, sir.
Q Did you appear? A No, sir.
Q Did you leave him or did he leave you? A I left him.
Q What was the reason of it? A Well he didn't support me and he went away from home and went to the Cuban War and after he came back he got the divorce.
Q Did you marry again? A Yes, sir.
Q When did you marry? A Walter McCurry.
Q White man? A Yes, sir.
Q He claims no rights as an Indian by blood? A No, sir.
Q When were you married to him? A I disremember the date, I have the license, that will show the date.

Witness exhibits marriage license between herself and W. W. McCurry, which shows that she was married on September 23, 1900 by George Miller, a minister of South McAlester.

Q Did you have any children by Reuben Beal? A Yes, sir, this is his little girl.
Q What is her name? A Cora Beal.
Q When was she born? A She is seven years old the 28th of this month.
Q That makes her born June 28, 1897, have you any evidence of the birth of that child? A No, sir, I haven't only the one he sent me to sign, he sent me an affidavit to sign and I sent it to him and he was to send it in here.
Q When did you give it to him? A Last week - I signed it the eighth.
Q Were you ever married before you were married to Reuben Beal, Jr.,
A No, sir.
Q Was he ever married before his marriage to you? A No, sir.
Q Since your marriage to Reuben Beal, Jr., have you lived continuously in the Choctaw Nation? A Yes, sir.
Q Have you made your home any where else during that time? A No, sir.
Q You are now a resident in good faith of the Choctaw Nation? A Yes, sir, Lehigh is my post office address.
Q At the time this child was born were you separated from Reuben Beal? A No, sir.
Q How long after this child was born until you separated? A She was was six months old.
Q That would be about January 1898? A Yes, sir.
Q About how long after that was it that he got the divorce from you? A About one year I think.
Q Maybe a little over? A Yes, sir.

Q How soon after you were divorced did you marry McCarty? A Not very long I disremember exactly.
Q You married within a month after you were divorced? A I guess so.
Q How soon after you were married to Reuben Neal, Jr., was this child born? A Eleven months.
Q That would make it then about July 1896 that you were married? A Yes, sir, we were married in 1896 in July or August.
Q You left him then? A Yes, sir.
Q Because he didn't support you? A Yes, sir, and [illegible] he went off and didn't come back and I come back home and come back up there and shot around.
Q Did he give you any reason for leaving or did you leave of your own accord? A I left him because he mistreated me.
Q In what way did he mistreat you? A Get mad at me and curse me.
Q Ever strike you? A All causes put together was the reason.
Q How soon after that did he join the army? A Two months after I left him - he slapped me once the time I left that was the first and only time though.
Q Did he stay in the army until the end of the war? A I don't know whether he was discharged or not.
Q He wasn't wounded was he? A I don't think he was.

Witness excused.

---o---

Chas. I. Difendafer being first duly sworn states that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Chas. I. Difendafer

Subscribed and sworn to before me this 15th day of June 1904.

Chas. H. Lacey

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 17 1904
[illegible]
Chairman.

IN[illegible]
CENTRAL DI[illegible]

I hereby certify that this instrument was filed for record in my office at [illegible] O'clock [illegible] M. and is duly recorded in Book 1896 Page 36

[illegible] Clerk,

By [illegible] Deputy.

Certificate of Record of Marriages.

UNITED STATES OF AMERICA,
THE INDIAN TERRITORY,
CENTRAL DISTRICT } SCT.

I, P. B. STONER, Clerk of the United States Court in the Indian Territory and District aforesaid,

DO HEREBY CERTIFY that the license for, and certifice of the Marriage of

Mr. Robert Boyd and

M Missy Lizy Gordon

were filed in my office in said Territory and District the [illegible] day of [illegible] A. D. 1896 and duly recorded in Book [illegible] of marriage Records page 209

WITNESS my hand and seal of said Court, at [illegible] this [illegible] day of [illegible] A. D. 1896

P. B. STONER, Clerk.

By [illegible] Deputy.

MARRIAGE LICENSE

United States of America,
INDIAN TERRITORY,
CENTRAL DISTRICT. } ss

You are hereby Commanded to solemnize the Rite and publish the Banns of matrimony between Mr. Reuben Beal of Durant in the Indian Territory, aged 21 years and Miss Eliza Gardner of Durant in the Indian Territory, aged 18 years, according to law, and do you officially sign and return this License to the parties therein named.

WITNESS my hand and official Seal this 27 day of Aug A. D. 1896

W B Stone
CLERK OF THE U. S. COURT.

DEPUTY.

CERTIFICATE OF MARRIAGE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
CENTRAL DISTRICT. } ss.

I, J D Bantwell a Minister DO HEREBY CERTIFY, That on the 30 day of augt A. D. 1896, I did duly and according to law, as commanded in the foregoing License, solemnize the Rite and publish the Banns of Matrimony between the parties therein named.

WITNESS my hand this 30 day of aug A. D. 1896

My credentials are recorded in the office of the Clerk of the United States Court, in the Indian Territory, Central District, Book A page 269

J D Bantwell
a Minister

NOTICE:—This License and Certificate of Marriage must be returned to the office of the Clerk of the United States Court in the Indian Territory, from whence it was issued, within sixty days from the date thereof, or the party to whom the License was issued will be liable in the amount of One Hundred Dollars $100.

CHOCTAW. INDEXED

IN RE

Application for Enrollment of

INFANT CHILD.

Cora Beal

As a citizen of the

Chockaw Nation.

Approved JUN 17 1904 1

Commissioner.

proof of birth of child for whose enrollment application was made in Aug 1899

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 17 1904

le with

CTAW

Department of the Interior,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Choctaw Nation,
of Cora Beal, born on the 28 day of June, 1897
Name of father: Rube Beal, a citizen of the Choctaw Nation.
Name of mother: Eliza Beal, a citizen of the U.S. Nation.
Post Office: Spiro

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Cent. Jud. District.

I, Eliza McCurry (nee Beal) on oath, state that I am 25 years of age and a citizen, by intermarriage, of the Choctaw Nation; that I was the lawful wife of Reuben Beal who is a citizen, by blood, of the Choctaw Nation; that a female child was born to me on the 28 day of June, 1897; that said child has been named Cora Beal, and is now living. on and 11 months prior to the date of the birth of the

Eliza McCurry (nee

Subscribed and sworn to before me this 8 day of June, 1904.

Dwight Brown
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Cent. Jud. District.

I, Dr. A. Haley, a physician, on oath, state that I attended on Mrs. Eliza Beal, wife of Rube Beal on the 28 day of June, 1897; that there was born to her on said date a female child; that said child is now living and is said to have been named Cora Beal.

W. A. Haley, M. D.

Subscribed and sworn to before me this 16 day of August, 1897.

W. T. Grant
Notary Public.

V

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
DEC 24 1902

ACTING CHAIRMAN.

CHOCTAW.
R 19

7-R. 19.

BILL OF DIVORCE.

The Choctaw Nation,

In Circuit Court of the Third Judicial District, Regular Aug *term* 1900, *a petition of* Rube Beal *being presented by* his *Attorney in said Court, for a Bill of Divorce, setting forth the facts, etc., and after the Court hearing the Testimony in regard to the petition do order and decree that a Bill of Divorce be issued to the applicant.* Rube Beal

THEREFORE, I do issue a Bill of Divorce to said applicant Rube Beal *forever releasing* him *from the Banns of Matrimony heretofore existing between* Rube Beal *and* Elixa Beal

Given under my hand and seal of office, this the 15th *day of* August *A.D.* 1900

Will Everidge

Circuit Clerk, 3d District, C. N.

By ..... *Deputy.*

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Record in the matter of the application for enrollment as a citizen by intermarriage of the Choctaw Nation, of

MOSIE BEAL.

7-5845

7-5845.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, IND. TER. MARCH 6, 1905.

In the matter of an alleged application for the enrollment of Mosie Beal as a citizen by intermarriage of the Choctaw Nation.

Guy P. Cobb, Tishomingo, Ind. Ter., appears as attorney for applicant.

Mosie Beal being first duly sworn testifies as follows:

EXAMINATION BY THE COMMISSION:

Q What is your name? A Mosie Beal.
Q What is your age? A I am nineteen years old.
Q Where do you live? A Silo.
Q You claim to be entitled to enrollment as a citizen by intermarriage of the Choctaw Nation? A Yes, sir.
Q You are a white woman are you? A Yes, sir.
Q You have no Indian blood ? A No, sir.
Q Was your father and mother white people? A Yes, sir.
Q Through whom do you claim your right to enrollment? A Reuben Beal, Jr.
Q Is he a recognized Choctaw? A Yes, sir.

Reuben Beal, Jr., husband of the applicant herein is identified on Choctaw card, field No. 5845 and is numbered 15725 upon the final roll of Choctaws by blood approved by the Secretary of the Interior on December 2, 1904.

Q Have you ever applied to this Commission for enrollment?
A Not in person.
Q You have never made any personal application? A No, sir.
Q Did anyone ever apply for you? A Yes, sir, my husband did.
Q Do you know when that was? A December 1902.
Q Do you know of your own knowledge that he did make application? A Yes, sir.
Q Were you with him at the time? A Yes, sir, but my baby took sick and I had to stop off.
Q Where was that application made? A South McAlester.
Q You started with him but had to stop off? A Yes, sir.
Q Your husband went on to South McAlester? A Yes, sir.
Q You were at the time going for the express purpose of making application for yourself? A Yes, sir.
Q That was the purpose of your visit? A Yes, sir.
Q When were you married to Reuben Beal, Jr.? A 28th day of August 1900.
Q Where were you living at the time you were married to him? A Durant.
Q Where was he living at that time? A He was living there too.

Q Had you ever been married prior to the time of your marriage to him? A No, sir.
Q Was he ever married before he was married to you? A Yes, sir. Eliza Gardner.
Q Where is she? A She is living yet I suppose.
Q Had he been divorced from her at the time of his marriage to you? A Yes, sir.
Q From the time of your marriage to him up to and including September 25, 1902 where have you lived? A At Durant.
Q You are still living with him as his wife? A Yes, sir.
Q Been no separation of any kind? A No, sir.
Q When did you say you were married to him? A August 28, 1900.

Witness excused.

REUBEN BEAL, ~~SR~~ JR., being first duly sworn testifies as follows:

EXAMINATION BY THE COMMISSION:

Q What is your name? A Reuben Beal, Jr.
Q How old are you? A I am twenty-six years old - twenty-seven next birthday.
Q Where do you live? A I live at Durant.
Q Are you the husband of Mosie Beal? A Yes, sir.
Q Your wife has testified that in 1902 you made application to this Commission for her enrollment as an intermarried citizen of the Choctaw Nation, is that right? A Yes, sir.
Q Where did you make that application? A I made it at South McAlester.
Q Was the Commission at South McAlester at that time? A Yes, sir.
Q Do you know who you saw there? A Yes, sir.
Q Who did you see? A I saw Will A. Durant. I asked him if he could help me any and he says "No, I can't help you do anything" and he says "she ~~xkk~~ has to appear in person" and I says: I started with her to this place and she couldn't possibly come with me.
Q Who is this Will Durant? A He kind of a little lawyer.
Q He wasn't in any way connected with the Commission? A No, sir.
Q Was that all you did? A No, sir, I got a ticket and sat down and they asked me what I wanted and I told them and they wouldn't let me do anything; said she had to appear in person.
Q Did you go before the Commission at South McAlester at that time? A Yes, sir.
Q Did you tell them you wanted to enroll your wife? A Yes, sir.
Q And they told you they couldn't do anything and that she would have to appear in person? A Yes, sir.
Q But you did ask at that time to enroll her? A Yes, sir.
Q Was anybody with you at the time and saw you make that application? A Yes, sir.
Q Who was with you? A H. W. Martin.

Q Do you remember what date this was that you made this application? A No, sir.
Q What month was it in? A December 1902.
Q Early part of the month or what part was it? A Why it seems to me that it was long about the 10th or 15th.
Q Since that time have you ever done anything in connection with it? Have you ever sought to find whether she was enrolled? A Yes, sir, I set down and wrote to the Commission.
Q When did you write to the Commission? A I wrote to the Commission to know what steps to take to enroll her.
Q In 1904? A Yes, sir.
Q So between December 1902 and June 1904 you didn't do anything looking to her enrollment? A No, sir.
Q Why didn't you, you stated that they said they couldn't enroll her? A After the Commission was closed I was informed that I couldn't do anything.
Q So you took it for granted when you were told in 1902 that that was the end of it? A Yes, sir.
Q And you didn't take any further action until June 1904? A 1904.
Q When were you married to Mosie Beal? A 1900 August 28th.
Q By whom were you married? A Dixon Durant.
Q What is he, a minister? A Yes, sir.
Q At the time of your marriage where you living? A At Durant.
Q Where was she living at the time? A She was living at Durant.
Q Had you been married prior to your marriage to her? A Yes, sir.
Q What was the name of your first wife? A Eliza Gardner.
Q You had only been married one time? A Yes, sir.
Q What became of Eliza Gardner? S She left me.
Q Did you get a divorce from her? A Yes, sir.
Q When did you get that divorce? A In August 1900.
Q That was prior to your marriage to your present wife? A Yes, sir.

BY ATTORNEY COBB:

Q At the time you appeared in reference to the enrollment of Benj. Lee Beal when was that? A Why I appeared twide once at Atoka.
Q When you made the original application? A At South McAlester.
Q At that time didn't you make any effort to enroll your wife? A Yes, sir, that is the time I tried to enroll her.

BY THE COMMISSION:

Q When was it that you made application for the enrollment of your son Benj. Lee? A It was in 1902.
Q Was that before or after you had been to South McAlester? A Before.
Q At the time you tried to get your child enrolled did you try to enroll your wife? A Yes, sir, she was sick and couldn't possibly get there and I told them it was impossible.

Q So you applied twice for the enrollment of your wife, once at South McAlester and once at Atoka? A Yes, sir.
Q Do you remember when that application was made at Atoka?
A It wasn't very long before I went to South McAlester.
Q Was it the same year? A Yes, sir.
Q At the time what were you told? A They told me I couldn't enroll her, that she would have to appear in person.
Q And they told you the same thing at South McAlester? A Yes, sir.
Q Have you filed with this Commission a decree of divorce from your first wife? A Yes, sir.
Q And you have also filed your certificate of marriage to your second wife? A Yes, sir.
Q You are still living with Mosie Beal? A Yes, sir.
Q Been no separation of any kind? A No, sir.
Q And from the date of your marriage up until September 25, 1902 where have you made your home? A Durant.

WITNESS EXCUSED.

Chas. T. Difendafer being first duly sworn states that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Chas T Difendafer

Subscribed and sworn to before me this 6th day of March 1905.

Edw C Sweed
Notary Public.

7-5845.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of an alleged application for the enrollment of Mosie Beal as a citizen by intermarriage of the Choctaw Nation.

----oOo----

It appears from the record herein that on March 6, 1905, at Muskogee, Indian Territory, Mosie Beal appeared in person before the Commission and testified relative to an application for her enrollment as a citizen by intermarriage of the Choctaw Nation alleged to have been made within the time limited by the provisions of the Act of Congress approved July 1, 1902 (32 Stat., 641).

The applicant testifies that application was made for her enrollment at South McAlester, Indian Territory, in December 1902 by her husband; that she and her husband left home together for the purpose of going to South McAlester to make application for her enrollment; that on the way her child was taken sick: that she had to stop off at some intermediate point, and that her husband proceeded to South McAlester and did make application.

Reuben Beal, Jr., the applicant's husband, testifies that he made said application in the month of December 1902 at South McAlester, Indian Territory, and that he was then told that his wife would have to appear and make personal application for enrollment.

It appears from the records of the Commission that on November 25, 1902 there was filed with the Commission written application for the enrollment of Benj. Lee Beal as a citizen by blood of the Choctaw Nation. In said application it is set forth that Reuben Beal, Jr., is the father of said child and that Mosie Beal, the applicant herein, is the mother.

It is the opinion of the Commission that the evidence shows that application was made for the enrollment of said

Mosie Beal as a citizen by intermarriage of the Choctaw Nation, within the time limited by the said Act of Congress approved July 1, 1902 (32 Stat., 641), and that it should now proceed to hear said application on the merits and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

MAR 2 3 1905

(7-5843)

BILL OF DIVORCE.

THE CHOCTAW NATION,
In Circuit Court of the Third Judicial District, Regular Aug term 1900, a petition of Rube Beal being presented by his Attorney in said Court, for a Bill of Divorce, setting forth the facts, etc.,, and after the Court hearing the Testimony in regard to the petition do order and decree that a Bill of Divorce be issued to the applicant, Rube Beal

THEREFORE, I do issue a Bill of Divorce to said applicant Rube Beal forever releasing him from the Banns of Matrimony heretofore existing between Rube Beal and Eliza Beal.

Given under my hand and seal of office, this the 15" day of August A. D. 1900

(SEAL)

Will Everidge
Circuit Clerk, 3d District, C.N.

By_____ Deputy.

Endorsed on back:
DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
F I L E D
DEC 24 1902.
TAMS BIXBY Chairman.

Flora L. Ross, stenographer to the Commission to the Five Civilized Tribes, certifies that the above and foregoing is a true and correct copy of the original now on file with the Commission.

Flora L. Ross

Subscribed and sworn to before me this 6th day of March 1905.

J. B. Campbell
Notary Public.

This certifies that Mr. Rotten Beals and Miss Mamie Gardner were solemnly united by me in the Holy Bonds of matrimony at Durant I. T. on the August 28 day of A. D. 1900, in the year of our Lord, 1900 hundred and _____ conformly to the Ordinance of God and the laws in this Nation.

Rev. D. D. Durant

In presence of

Family

Witt. Albert Beals & Wife.

The within certificate of Marriage was recorded in Book A Page 436 of the records of this County

C. W. James

County Clerk Blue County C.N.

Endorsed on back:

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
F I L E D
JUL 16 1904.
TAMS BIXBY Chairman.

Flora L. Ross, stenographer to the Commission to the Five Civilized Tribes, hereby certifies that the above and foregoing is a true and correct copy of the original now on file with the Commission.

Flora L. Ross

Subscribed and sworn to before me this 6th day of March 1906.

J. B. Crawford
Notary Public.

7-5845.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Mosie Beal for enrollment as a citizen by intermarriage of the Choctaw Nation.

--: D E C I S I O N:--

It appears from the record herein that application was duly made to this Commission for the enrollment of Mosie Beal as a citizen by intermarriage of the Choctaw Nation.

It further appears from the record herein that on August 28, 1900, the applicant was lawfully married to Reuben Beal, Jr., a recognized and enrolled citizen by blood of the Choctaw Nation, whose name appears as No. 15725, upon the lists prepared by this Commission, under the Act of Congress, approved July 1, 1902, (32 Stat., 641), of persons entitled to enrollment as citizens by blood of the Choctaw Nation, and approved by the Secretary of the Interior on December 2, 1904; that at the date of said marriage both persons above mentioned were residents in good faith of the Choctaw Nation, and that they lived together as husband and wife in said Nation continuously since said date, up to and including September 25, 1902.

It is, therefore, the opinion of this Commission that Mosie Beal should be enrolled as a citizen by intermarriage of the Choctaw Nation, in accordance with the provisions of the Acts of Congress, approved June 28, 1898, (30 Stat., 495), and July 1, 1902, (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

APR 22 1905

7-5845

COPY.

Muskogee, Indian Territory, April 22, 1905.

Mozie Beal,

Silo, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered April 22, 1905, granting the application for your enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling you as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, your name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

Tams Bixby

Chairman.

Registered.
Enc. 7-5845.

COPY.

7-3848.

Muskogee, Indian Territory, April 22, 1905.

Guy P. Cobb,

Attorney at Law,

Tishomingo, Indian Territory,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on April 22, 1905, rendered its decision granting the application for the enrollment of Nosie Beal as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If at the expiration of said time no protest has been filed, her name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

Tams Bixby

Chairman.

Registered.

7-5845

COPY.

Muskogee, Indian Territory, April 22, 1905.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission, rendered April 22, 1905, granting the application for the enrollment of Mossie Beal as a citizen by intermarriage of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If at the expiration of said time no protest has been filed, his name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,
SIGNED
Tams Bixby
Chairman.

Registered.
Enc. 7-5845.

See 7-5912 for registry receipt for this letter.

This certifies that Mr. Roper Beale and Miss Mollie Gardner were solemnly united by me in the Holy Bonds of matrimony at Durant I. T. on the August 26 day of A. D. 1900 in the year of our Lord, 1900 hundred and _____ conformly to the ordinance of God and the laws in this Nation.

Rev. E. D. Durant

In presence of

Family

Witt. Albert Beale & Wife.

The within certificate of Marriage was recorded in Book A Page 436 of the records of this County.

C. W. James

County Clerk Pine County C.N.

Endorsed on back:

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
F I L E D
JUL 15 1904.
TAMS BIXBY Chairman.

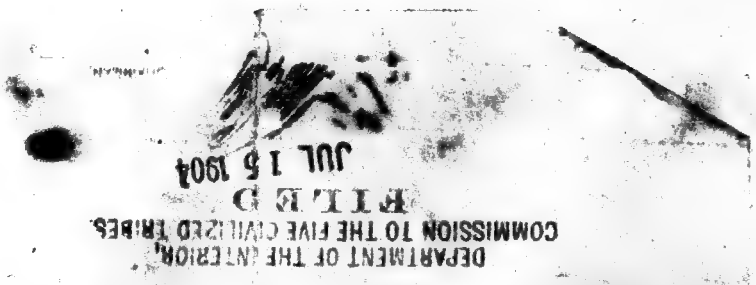
Flora L. Ross, stenographer to the Commission to the Five Civilized Tribes, hereby certifies that the above and foregoing is a true and correct copy of the original now on file with the Commission.

Flora L. Ross

Subscribed and sworn to before me this 6th day of March 1906.

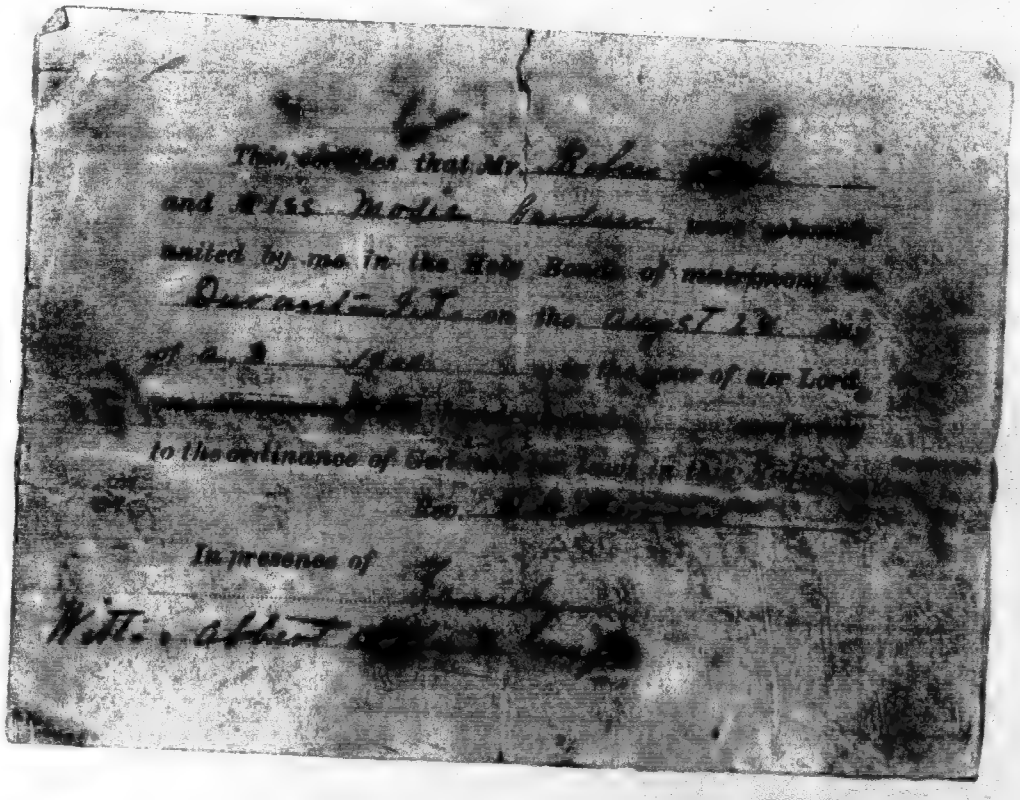
H. Campbell

Notary Public.



The within Certificate of Marriage was recorded in Book A Page 486 of the records of this County

C. N. James
County Clerk Blue County C. N.



This certifies that Mr. [illegible]
and Miss Martha [illegible] were solemnly
united by me in the Holy Bonds of matrimony at
Quarantine L.I. on the [illegible] day
of [illegible] in the year of our Lord
[illegible] according
to the ordinance of God and the Laws in this Province
&c. &c. &c.

In presence of

Witt. [illegible]

Application for Enrollment of

INFANT CHILD

Benedict Bail

as a citizen of the

Choctaw Nation.

Approved AUG 24 1904 190__

Commissioner.

NOV 25 1902

BIRTH AFFIDAVIT.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In Re Application for Enrollment, as a citizen of the Choctaw Nation,
of Benj. Lee Beal, born on the 18 day of June, 1902
(Here insert name of child.)
Name of Father: R. B. Beal, a citizen of the Choctaw Nation.
Name of Mother: Mosie Beal, a citizen of the Choctaw Nation.
Post-Office: Silo Ind. Ty.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Southern District.

I, Mosie Beal, on oath state that I am 17 years of age and a citizen, by intermarriage, of the Choctaw Nation; that I am the lawful wife of R. B. Beal, who is a citizen, by blood, of the Choctaw Nation, that a male (Male or female.) child was born to me on the 18 day of June 1902; that said child has been named Benj. Lee Beal, and is now living.

Mrs Mosie Beal

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 16th day of Sept 1902

G. F. Lee
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Southern District.

I, A. Boyd, a M D, on oath state that I attended on Mrs. Mosie Beal, wife of R. B. Beal, on the 18 day of June, 1902; that there was born to her on said date a male (Male or female.) child; that said child is now living and is said to have been named Benj. Lee Beal.

A Boyd

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 16 day of Sept 1902

G. F. Lee
Notary Public.

BIRTH AFFIDAVIT. 20 7-5845

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Choctaw Nation,
of Bury Lee Beal, born on the 18 day of June, 1902
(Here insert name of child.)
Name of Father: R. B. Beal a citizen of the Choctaw Nation.
Name of Mother: Moir Beal a citizen of the Choctaw Nation.
Post-office Silo, Ind Ty.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY.
Southern District.

I, Moir Beal, on oath state that I am 17 years of age and a citizen, by intermarriage of the Choctaw Nation; that I am the lawful wife of R. B. Beal, who is a citizen, by blood, of the Choctaw Nation; that a male child was born to me on 18 day of June 1902; that said child has been named Bury Lee Beal, and is now living.

(male or female.)

WITNESSES TO MARK:

(Must be Two Witnesses.)

Mrs Moir Beal

Subscribed and sworn to before me this 15th *day of* Sept 1902

(Seal)

G F Dick
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY.
Southern District,

I, A Boyd, a M D, on oath state that I attended on Mrs. Moir Beal, wife of R. B. Beal on the 18 day of June, 1902; that there was born to her on said date a male child; that said child is now living and is said to have been
(male or female.)
named Bury Lee Beal.

WITNESSES TO MARK:

A. Boyd

(Must be Two Witnesses.)

(Seal)

Subscribed and sworn to before me this 15 *day of* Sept 1902

G F Dick
NOTARY PUBLIC.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Choctaw Nation,

of Bry dec Bral, born on the 18 day of Janr, 1902

(Here insert name of child.)

Name of Father: R B Bral a citizen of the Choctaw Nation.

Name of Mother: Moir Bral a citizen of the Choctaw Nation.

Post-office Silo, Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY. }
Southern District. }

I, Moir Bral, on oath state that I am 17 years of age and a citizen, by intermarriage of the Choctaw Nation; that I am the lawful wife of R B Bral, who is a citizen, by blood, of the Choctaw Nation; that a male (male or female.) child was born to me on 18 day of Janr 1902; that said child has been named Bry Lee Bral, and is now living.

Her Moir Bral.

WITNESSES TO MARK:

(Must be Two Witnesses.) { }

Subscribed and sworn to before me this 15 *day of* Sept 1902

(Seal) G F Duck

NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY. }
Southern District, }

I, A. Boyd, a M. D., on oath state that I attended on Mrs. Moir Bral, wife of R. B. Bral on the 18 day of Janr, 1902; that there was born to her on said date a male (male or female.) child; that said child is now living and is said to have been named Bry Lee Bral.

A. Boyd

WITNESSES TO MARK:

(Must be Two Witnesses.) { }

(Seal)

Subscribed and sworn to before me this 15 *day of* Sept 1902

G F Duck

NOTARY PUBLIC.

ACT ESTABLISHING THE CITIZENSHIP OF MARTHA BEALS AND OTHERS.

Be it enacted by the General Council of the Choctaw Nation Assembled; That the citizenship of the following named persons is hereby established, to wit: Martha Beals, and her husband, Andrew Beals, and their Children Reuben; Missouri; Pinkney; Margaret; Andy; Becky; Thomas; Bell and Bill Beals; and they are hereby declared citizens of the Choctaw Nation, and entitled to all the rights, privileges and immunities of such. This act shall take effect upon its passage and approval.

Oct. 25th. 1890.

S.W. Watkins, Chairman Committee on citizenship petition

Approved Oct. 25th. 1890.

W.N. Jones, Principal Chief,
Choctaw Nation.

THIS IS TO CERTIFY that the above and foregoing is a true and correct copy of the original Act of the Choctaw General Council passed at its regular session in 1890, the same in original form being now on file in my office.

IN TESTIMONY WHEREOF I have hereunto affixed my hand and the seal of the Choctaw Nation, this the 31st. day of August in the year 1898.

Soloman J. Homer

National Secretary,
Choctaw Nation.

On Act Extending the Citizenship of Martha Burton and others

(Copy)

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAY 16 1902

COPY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of William Albert Beal, et al., as citizens of the Choctaw Nation, consolidating the applications of--

William Albert Beal, et al.----------7-R-18
Henry W. Marcum, et al.----------7-D-568
Reuben Beal Jr., et al.----------7-R-19
George Beal, et al.----------7-D-719
Rosa Dills, et al.----------7-R-75
Arthur Beal, et al.----------7-R-384
John Peter Beal, et al.----------7-R-380
Willie Gravitt, et al.----------7-34174
Ada Bell Moore, et al.----------7-R-383
William T. Beal----------7-R-386

--: D E C I S I O N :--

It appears from the census card records of the Commission that on August 14, 1899 William Albert Beal appeared before the Commission and made personal application for the enrollment of himself and his two minor children, Samantha Beal and Bulah Beal, as citizens by blood of the Choctaw Nation; that on August 18, 1899 Henry W. Marcum appeared before the Commission and made personal application for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Cordelia Marcum, and their three minor children, Jesse Marcum, Claudia Marcum and Clarence Marcum, as citizens by blood, of the Choctaw Nation; that on August 14, 1899 Reuben Beal Jr. appeared before the Commission and made personal application for the enrollment of himself and his minor child, Cora Beal, as citizens by blood, and for the enrollment of his wife, Eliza Beal (now McCurry), as a citizen by intermarriage, of the Choctaw Nation; that on May 16, 1902 George Beal appeared before the Commission and made personal application for the enrollment of himself and his minor child, Millie Levana Beal, as citizens by blood of the Choctaw Nation; that on August 14, 1899 Rosa Dills appeared before the Commission and made personal application for the enrollment of herself and her minor child, Nora M. Dills, as citizens by blood of the Choctaw Nation; that on August 17, 1899 personal application was made to this Commission for the enrollment of Arthur Beal and Johnnie Beal as citizens

by blood of the Choctaw Nation, that on August 17, 1899 personal application was made to this Commission for the enrollment of John Peler Beal, Pony Beal and Roy May Beal as citizens by blood of the Choctaw Nation, that on August 16, 1899 personal application was made to this Commission for the enrollment of Willie Gravitt, Phelan Gravitt and Andy Gravitt as citizens by blood of the Choctaw Nation, that on August 16, 1899 personal application was made to this Commission for the enrollment of Ada Bell Beal (now Moore) and Annie Beal as citizens by blood of the Choctaw Nation, that on August 17, 1899 personal application was made to this Commission for the enrollment of William T. Beal as a citizen by blood of the Choctaw Nation and that written applications were made to this Commission for the enrollment of William D. Beal, Lulu Marcum, Benj. Lee Beal, Lether Lee Dills and Roy L. Moore, as citizens by blood of the Choctaw Nation on September 23, 1901, October 28, 1901, November 25, 1902, September 23, 1901 and May 16, 1902, respectively. The applications of those persons whose names are mentioned in the record herein and whose rights are not passed upon in this decision have heretofore been disposed of by the Commission.

It appears from the record herein and the census card records of the Commission that the applicants, William Albert Beal, Cordelia Marcum, Reuben Beal Jr., George Beal, Rosa Dills, Arthur Beal and Johnnie Beal, are the offspring of the marriage of Mary Beal, a white woman having no rights of Choctaw citizenship by blood, and Reuben Beal, who was admitted to citizenship in the Choctaw Nation by an act of the General Council of said nation, approved October 25, 1890, and whose name appears as number 9635 upon the lists prepared by this Commission under the act of Congress approved July 1, 1902 (32 Stat., 641), of persons entitled to enrollment as citizens by blood of the Choctaw Nation and approved by the Secretary of the Interior on February 4, 1903; that the applicants, John Peler Beal, Pony Beal and Roy May Beal, are the offspring of the marriage of Ailsey Beal, a white woman having no rights of Choctaw citizenship by blood, and Pinkney Beal, who was admitted to citizenship in the Choctaw Nation by said act of the General Council of said nation, above referred to, and whose name appears as number 9931 upon the lists prepared by this Commission under said act of Congress approved July 1, 1902, of persons entitled to enrollment as citizens by blood of the Choctaw Nation and approved by the Secretary of the Interior on February 4, 1903; that the applicants, Willie Gravitt, Phelan Gravitt and Andy Gravitt, are the offspring of the marriage of John Gravitt, a white man having no rights of Choctaw citizenship by blood, and Maggie Gravitt (nee Beal), who was admitted to citizenship in the Choctaw Nation by said act of the General Council of said nation, above referred to, and whose name appears as number 9748 upon the lists prepared by this Commission under said act of Congress approved July 1, 1902, of persons entitled to enrollment as citizens by blood of the Choctaw Nation and approved by

the Secretary of the Interior on February 4, 1903; that the applicants, Ada Bell Moore and Annie Beal, are the offspring of the marriage of Donnie Beal, a white woman having no rights of Choctaw citizenship by blood, and William C. Beal, who was admitted to citizenship in the Choctaw Nation by said act of the General Council of said nation, above referred to, and whose name appears as number 9954 upon the lists prepared by this Commission under said act of Congress approved July 1, 1902, of persons entitled to enrollment as citizens by blood of the Choctaw and approved by the Secretary of the Interior on February 4, 1903; that the applicant, William T. Beal, is the offspring of the marriage of Brown Beal, a white woman having no rights of Choctaw citizenship by blood and Andrew P. Beal, who was admitted to citizenship in the Choctaw Nation by said act of the General Council of said nation, above referred to, and whose name appears as number 10095 upon the lists prepared by this Commission under said act of Congress approved July 1, 1902, of persons entitled to enrollment as citizens by blood of the Choctaw Nation and approved by the Secretary of the Interior on February 4, 1903; that the applicants, Samantha Beal, Bulah Beal and William D. Beal, are the offspring of the marriage of the applicant, William Albert Beal, and Sallie Beal, a white woman having no rights of Choctaw citizenship by blood; that the applicants, Jesse Marcum, Claudie Marcum, Clarence Marcum and Lulu Marcum, are the offspring of the marriage of the applicants, Reuben Beal Jr. and Eliza McCurry (formerly Beal); that the applicant, Benj. Lee Beal, is the offspring of the marriage of the applicant, Reuben Beal Jr., and Mosie Beal, a white woman having no rights of Choctaw citizenship by blood; that the applicant, Millie Levana Beal, is the offspring of the marriage of the applicant, George Beal, and Ada Beal, a white woman having no rights of Choctaw citizenship by blood; that the applicants, Nora M. Dills and Lether Lee Dills, are the offspring of the marriage of the applicant, Rosa Dills, and E. G. Dills, a white man having no rights of Choctaw citizenship by blood; and that the applicant, Roy L. Moore, is the offspring of the marriage of the applicant, Ada Bell Moore, and F. B. Moore, a white man having no rights of Choctaw citizenship by blood.

It further appears from the record herein that the applicants, William Albert Beal, Cordelia Marcum, Reuben Beal Jr., George Beal, Rosa Dills, Arthur Beal, Johnnie Beal, John Peter Beal, Pony Beal, Roy May Beal, Willie Gravitt, Phelan Gravitt, Andy Gravitt, Ada Bell Moore, Annie Beal and William T. Beal, were living on October 25, 1890, the date of the approval of said act of the General Council of the Choctaw Nation admitting their parents to citizenship in said nation, and that their names are not mentioned in said act of admission.

It appears from an examination of the tribal rolls in the possession of the Commission that the applicants, William Albert Beal, Samantha Beal, Cordelia Marcum, Jesse Marcum, Reuben Beal Jr., George Beal, Rosa Dills, Arthur Beal, Johnnie

Beal, John Peter Beal, Pony Beal, Roy May Beal, Willie Gravitt, Phelan Gravitt, Andy Gravitt, Ada Bell Moore, Annie Beal and William T. Beal, are identified upon the 1893 Choctaw Leased District Payment Roll, Blue County, numbers 61, 62, 788, 789, 54, 55, 52, 56, 57, 161, 162, 151, 507, 508, 509, 76, 77 and 158, respectively; and that the applicants, William Albert Beal, Samantha Beal, Cordelia Marcum, Jesse Marcum, Claudie Marcum, Reuben Beal Jr., George Beal, Rosa Dills, Arthur Beal, Johnnie Beal, John Peter Beal, Pony Beal, Roy May Beal, Willie Gravitt, Phelan Gravitt, Andy Gravitt, Ada Bell Moore, Annie Beal and William T. Beal, are identified upon the 1896 Choctaw Census Roll, numbers 1564, 1574, 8897, 8900, 8901, 1565, 1566, 1567, 1568, 1569, 1625, 1626, 1627, 4866, 4867, 4868, 1541, 1542 and 1546, respectively; said applicants being enrolled on said rolls as citizens by blood of said nation. The applicants, Bulah Beal, William D. Beal, Clarence Marcum, Lulu Marcum, Cora Beal, Benj. Lee Beal, Millie Levana Beal, Nora M. Dills, Lether Lee Dills and Roy L. Moore, having been born subsequent to the preparation of said 1896 Choctaw Census Roll, are identified by proper birth certificates, filed with and made a part of the record in this case.

It further appears from the record herein that the applicant, Henry W. Marcum, a white man, was first married to the applicant, Cordelia Marcum (nee Beal), under the laws of the State of Texas about 1892; that subsequently, on August 13, 1899, said parties were married in accordance with the laws, customs and usages of the Choctaw Nation, that at the time of said last mentioned marriage both of said parties were residents in good faith of the Choctaw Nation and that they lived together continuously in said nation as husband and wife from the date of said last mentioned marriage up to and including September 25, 1902.

It further appears from the record herein that the applicant, Eliza McCurry, a white woman, was on August 30, 1896 lawfully married to the applicant, Reuben Beal Jr.; that at the time of said marriage both of said parties were residents in good faith of the Choctaw Nation; that they lived together continuously as husband and wife from the date of said marriage until about January, 1898, when they separated and were divorced on August 15, 1900; that on September 23, 1900 the applicant, Eliza McCurry, was lawfully married to Walter McCurry, a white man having no rights of Choctaw citizenship by blood, and that the said Eliza McCurry had been a resident in good faith of the Choctaw Nation from the date of her said marriage with the said Reuben Beal Jr. up to and including September 25, 1902.

It further appears from the record in this case that all the applicants herein, who were then living, were on June 28, 1898 residents in good faith of Indian Territory.

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of James M. Buckholts, et al. (I.T.D. 8490-1903), William Albert Beal, Samantha Beal, Bulah Beal, William D. Beal, Cordelia Marcum, Reuben Beal Jr., Claudie Marcum, Jesse Marcum, Clarence Marcum, Lulu Marcum, Cora Beal, Benj. Lee Beal, George Beal, Millie Levana Beal, Rosa Dills, Nora M. Dills, Lether Lee Dills, Arthur

Beal, Johnnie Beal, John Peter Beal, Pony Beal, Roy May Beal, Willie Gravitt, Phelan Gravitt, Andy Gravitt, Ada Bell Moore, Annie Beal, Roy L. Moore and William F. Beal should be enrolled as citizens by blood of the Choctaw Nation; that Henry W. Marcum should be enrolled as a citizen by intermarriage of said nation, and that, following the ruling of the Department in the case of Thornton D. Pearce (I.T.D. 4060-1904), relative to the question of forfeiture, Eliza McCurry should be enrolled as a citizen by intermarriage of said nation in accordance with the provisions of the acts of Congress approved June 28, 1898 (30 Stat., 495) and July 1, 1902 (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tams Bixby.
Chairman.

T.B. Needles.
Commissioner.

C.R. Breckinridge.
Commissioner.

Muskogee, Indian Territory,

OCT 15 1904

Choctaw R-19

Muskogee, Indian Territory, April 7, 1902.

Reuben Beals, Jr., (or Beal),

Caddo, Indian Territory.

Dear Sir:

It appears from the records of the Commission to the Five Civilized Tribes that you heretofore made personal application to the Commission for enrollment as a citizen of the Choctaw Nation.

You are notified that this application will be taken up for final consideration by the Commission at its office in Muskogee, Indian Territory, on Wednesday, the 14th day of May, 1902. On said date you may, if you so desire, appear before the Commission in person or by attorney and introduce additional testimony affecting your right to enrollment under the following provisions of the Act of June 28, 1898:

"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes (than Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

"No person shall be enrolled who has not heretofore moved to and in good faith settled in the nation in which he claims citizenship."

R B jr 2

The representatives of the Choctaw Nation may at the same time introduce additional testimony affecting your right to enrollment, provided they give you ten days previous notice of their intention to do so.

Yours truly,

T. B. Needles

Commissioner in Charge.

Choctaw R-19

Muskogee, Indian Territory, April 7, 1902.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that from an examination of the 1896 Choctaw tribal rolls in the possession of the Commission to the Five Civilized Tribes, it appears that the name of Reuben Beals, jr., is enrolled thereon at page 39, number 1555; whereon also appears the following notation: "Refused enrollment."

It appears from the records of the Commission that the said Reuben Beals or Beal heretofore made personal application to this Commission for enrollment as a citizen of the Choctaw Nation in the cause entitled "Reuben Beal vs. the Choctaw Nation", Choctaw R-19.

You are notified that this application will be taken up for final consideration by the Commission at its office in Muskogee, Indian Territory, on Wednesday, the 14th day of May, 1902. On said date you may introduce additional testimony affecting said applicant's right to enrollment as a citizen of the Choctaw Nation, provided ten days previous notice of your intention to do so has been given by you to said applicant.

[redacted]

[redacted] you are further notified that unless applicant who
is now [redacted] to appear before this office and give additional
testimony affecting his right to naturalization as a citizen of the
United States.

Very truly,

[redacted]

Commissioner in Charge.

Y-B-10.

Muskogee, Indian Territory, September 22, 1902.

R.B. Beal,

Silo, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the application for enrollment as a citizen of the Choctaw Nation of Emil Lee Beal, infant son of R.B. and Mamie Beal, born June 18, 1902; and the same is returned to you herewith.

You are informed that the mother of the child being a non-citizen, it will be necessary that you furnish the Commission with either your original marriage license and certificate, or a certified copy thereof.

You are further informed that it does not appear from our records that any person by the name of R.B. Beal has been listed for enrollment as a citizen by blood of the Choctaw Nation.

You are therefore requested to state your full name, your age, the names of your parents, the time and place application was made for your enrollment and any other information you may have which will enable the Commission to identify you as being listed for enrollment as a citizen by blood of the Choctaw Nation.

S.S.S.

Upon receipt of the information requested herein, together with legal evidence of marriage and return of application for the enrollment of your child, the matter will receive further consideration.

Respectfully,

Acting Chairman.

Enc S I 105.

7-B-19.

Muskogee, Indian Territory, November 28, 1903.

R.H. Beal,

Silo, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the application for enrollment as a citizen of the Choctaw Nation of Benj. Lee Beal, infant son of R.H. and Mosie Beal, born June 18, 1903; and the same has been duly filed with the records of the Commission as evidence of birth of the above named child.

You are advised that it appears from our records that at the time you made application for the enrollment of yourself and family as citizens of the Choctaw Nation, the name of your wife was given as Eliza Beal, 21 years of age.

If Eliza Beal has died since the time she was listed for enrollment, kindly advise the Commission to that effect.

If you have been divorced from her and have since married Mosie Beal, you should supply the Commission with a certified copy of the decree of divorce; and either the original

[illegible]

[illegible]

Acting Chairman.

Choctaw R 19

Muskogee, Indian Territory, March 17, 1904.

A. G. Troutt,

Durant, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of March 14, asking if Rube Beal, Jr. is enrolled as a citizen of either the Choctaw or Chickasaw tribe or if he has any chance for enrollment.

In reply to your letter you are advised that the Commission has not yet passed upon the application of Reuben Beal, Jr. for the enrollment of himself and family as citizens of the Choctaw Nation, and until a decision is reached in this case no opinion could be expressed as to the probable action of the Commission.

Respectfully,

Commissioner in Charge.

7-2-19.

Muskogee, Indian Territory, May 27, 1904.

Mrs. Eliza Beal,
Sila, Indian Territory.

Dear Madam:

In the matter of your application for enrollment as a citizen by intermarriage of the Choctaw Nation, it will be necessary for you to appear in person before the Commission at its office in Muskogee, Indian Territory, for the purpose of testifying as to your status on September 25, 1902 as a citizen by intermarriage of the Choctaw Nation.

You will give this matter your immediate attention.

Respectfully,

Chairman.

7-R-19.

Muskogee, Indian Territory, May 27, 1904.

Mr. Reuben Beal, Jr.,
Silo, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of your daughter, Cora Beal, as a citizen by blood of the Choctaw Nation, it will be necessary for you to supply the Commission with evidence of your marriage to the mother of this child, which evidence of marriage may consist of the original or a certified copy of the marriage license and certificate, and also with proof of the birth of said child, a blank for that purpose being enclosed herewith.

In having the same executed, be careful to see that all blank spaces are properly filled; all names written in full and that the Notary Public, before whom the affidavits are acknowledged, attaches his name and seal to each separate affidavit. In case any signature is by mark, it must be attested by two disinterested parties, witnesses thereto.

In the matter of the application for the enrollment of your son, Benjamin Lee Beal, as a citizen by blood of the Choctaw

Nation, you should immediately forward the Commission either the original or a certified copy of the marriage license and certificate between yourself and Mosie Beal, the non-citizen mother of this child.

The evidence requested is necessary in the matter of the application for the enrollment of your said children as citizens by blood of the Choctaw Nation, and until the same is received the Commission cannot determine their rights as such citizens.

Respectfully,

Chairman.

Enc.
B.C.

Y-R-15

Muskogee, Indian Territory, June 18, 1902.

Reuben Beal, Jr.,
Silo, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the affidavits of Eliza McCurry, (nee Beal), and W. A. Bailey, relative to the birth of your minor daughter, Cora Beal, June 24, 1897; also of the marriage license and certificate between Reuben Beal and Eliza Gardner, and the same have been duly filed with our records in the matter of the application for enrollment of the abovenamed child as a citizen by blood of the Choctaw Nation.

You also enclose a certificate of marriage between Reuben Beal and Maggie Gardner, and request to be advised what steps it would be necessary for you to take to have her listed for enrollment as an intermarried citizen of the Choctaw Nation.

You are informed that under the provisions of the Act of Congress approved July 1, 1902, the Commission is now without authority to receive or consider the original application for enrollment of any person whomsoever as a citizen of the Choctaw or Chickasaw Nations.

The certificate of marriage between yourself and Maggie Gardner, is therefore returned you herewith.

Respectfully,

Chairman.

Mg. 134

2.0.0.

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN REPLY TO THE FOLLOWING
Choctaw-R-19.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, July 15, 1904.

R. Beal, Jr.,
Silo, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of June 25th, with which you enclose certificate of your marriage to Mosey Gardner, which you ask to have filed in the matter of the enrollment of yourself and family as citizens of the Choctaw Nation. The same has been filed with the record in this case and when a decision is reached, you will be notified of the action taken therein.

Respectfully,

Chairman.

7-R-19

Muskogee, Indian Territory, October 15, 1904.

COPY.

Eliza McCurry,

Lehigh, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered October 15, 1904, granting your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling you as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, your name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully

Tams Bixby.

Chairman.

Registered.

Inal.7-R-19.

7-B-19

Muskogee, Indian Territory, October 18, 1904.

COPY.

Reuben Beal, Jr.,

Silo, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered October 18, 1904, granting the application for enrollment of yourself, and children, Cora Beal and Benj. Lee Beal as citizens by blood of the Choctaw Nation.

The Attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling applicants herein as citizens of the Choctaw Nation. If at the expiration of that time no protest has been filed, your names will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Tams Bixby.

Chairman.

Registered.
Incl. 7-B-19.

7-R-19

Muskogee, Indian Territory, October 15, 1904.

COPY.

Charles McPherren,

Attorney at Law,

Cadde, Indian Territory,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on October 15, 1904, rendered its decision, granting the application for the enrollment of Reuben Beal Jr., his children, Cora Beal and Benj. Lee Beal as citizens by blood, and of Eliza McCurry, as a citizen by intermarriage, of the Choctaw Nation, included in the consolidated case of William Albert Beal, et al.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicants as citizens of the Choctaw Nation. If at the expiration of that time no protest has been filed, their names will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Tams Bixby.

Registered.

Chairman.

[redacted] Choctaw 3845

Muskogee, Indian Territory, October 25, 1904.

Miss McCurry,

Lehigh, Indian Territory,

Dear Madam:

In the matter of your enrollment as an intermarried citizen of the Choctaw Nation, you are requested to advise this office, as early as practicable, the names of your parents and whether or not they are living now.

Respectfully,

Chairman.

Commission to the Five Civilized Tribes.

Muskogee, Indian Territory.

I will answer your letter in regard to my father name. His name is Moses Caraway Gardner and my mother name is Martha Ann Gardner. They are still living.

Eliza McCurry.

Lehigh, I. T. this the 27th of Oct. 1904.

Y-5045

Muskogee, Indian Territory, November 2, 1904.

Eliza McCurry,

Lehigh, Indian Territory.

Dear Madam:-

Receipt is hereby acknowledged of your letter of October 27, 1904, in which you give the names of your mother and father, and this information has been made a matter of record.

Respectfully,

Chairman.

Choctaw 5845

Muskogee, Indian Territory, March 24, 1905

Commissioner in Charge,

Chickasaw Land Office,

Ardmore, Indian Territory,

Dear Sir:

You are advised that the name of Mosie Beal, wife of Reuben Beal, Jr., has been placed as Number 5 upon Choctaw roll card Number 5845.

You are therefore directed to place her name upon your list of undetermined applicants for enrollment in the Choctaw Nation.

Respectfully,

Chairman.

A

Choctaw 5843

Muskogee, Indian Territory, March 24,1905.

Commissioner in Charge,
Choctaw Land Office,
Atoka, Indian Territory.

Dear Sir:

You are advised that the name of Mosie Beal, wife of Reuben Beal, Jr., has been placed as Number 3 upon Choctaw roll card Number 5843.

You are therefore directed to place her name upon your list of undetermined applicants for enrollment in the Choctaw Nation.

Respectfully,

Chairman.

Choctaw 3843

Muskogee, Indian Territory, March 24, 1905.

Mosie Neal,

Silo, Indian Territory,

Dear Madam:

You are hereby advised that on March 23, 1905, the Commission to the Five Civilized Tribes entered an order holding that you made application for enrollment as an intermarried citizen of the Choctaw Nation within the time provided by the act of Congress approved July 1, 1902.

It will now be necessary for you to forward a statement giving the names of your parents, and whether they are livinger dead for the purpose of completing our records. This matter should receive your immediate attention.

Respectfully,

Chairman.

7-5845

March the 29, 1905.

Sers i just Resived yor letter of instruction Dated March the 23 1905 now in Return my fathers name is Benjamine Gardner and now living my mothers name wos Mary Gardner and her maidine name wos Mary Palmer is now Deciest

Commission to the five Civilized tribes ti

Yors tru Mosie. Beal

7-5845

Muskogee, Indian Territory, April 7, 1906.

Rosie Beal,

Bilo, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of March 29, 1906, giving the names of your parents.

This information has been made a matter of record with the Commission.

Respectfully,

Commissioner in Charge.

Choc 5846

Arthur and Johnnie Beal

Father enrolled on Choc #3367

Trans from Choc # R-384

Oct. 31, 1904

5846

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

I, Tams Bixby, Chairman of the Commission to the Five Civilized Tribes, do hereby certify that there is on file with the records of this office a certified copy of the act of the Choctaw National Council of October 25, 1890, entitled "An Act Establishing the Citizenship of Martha Beals and Others" which was approved by the Principal Chief of the Choctaw Nation, October 25, 1890 and which is in words as follows:

"Be it enacted by the General Council of the Choctaw Nation Assembled: That the citizenship of the following named persons is hereby established, to wit: Martha Beals, and her husband, Andrew Beals, and their Children Reuben; Missouri; Pinkney; Margaret; Andy; Becky; Thomas; Bell and Bill Beals; and they are hereby declared all citizens of the Choctaw Nation, and entitled to all the rights, privileges and immunities of such. This act shall take effect upon its passage and approval.

Oct. 23th. 1890.

S. W. Watkins, Chairman Committee on citizenship petition.

Approved Oct. 25th.1890.

W. H. Jones, Principal Chief, Choctaw Nation."

I further certify that the names of the persons included in the above referred to act of the Choctaw Council, with the exception of the name of Andrew Beals, the husband of Martha Beals, appear upon the 1896 Leased District Payment Roll, Blue County, Choctaw Nation, opposite the following numbers:

158 Beals, Martha
53 Beals, Reuben
793 Mitchell, Missouri
160 Beals, Pink
806 Crevitt, Maggie
157 Beals, Andy
196 Behanan, Rebecca

160 Beals, Turner
166 Beals, Belle
75 Beals, Williams

I further certify that the names of the persons included in the above referred to act of the Choctaw Council approved October 25, 1890, appear upon the 1896 census roll of the citizens of the Choctaw Nation, Blue County, opposite the following numbers:

1649 Beals, Martha
1563 Beals, Reuben
8775 Mitchell, Missouri
1624 Beals, Pinky
4868 Gravitt, Maggie
1548 Beals, Andy
2857 Crowder, Rebecca
1630 Beals, Turner
1550 Beals, Belle
1540 Beals, W. C.

I further certify that the name of Andrew Beals, husband of Martha Beals, appears upon the 1896 census roll of the citizens by intermarriage of the Choctaw Nation opposite the number 14,324 as Ansel Beal.

I further certify that subsequent to the preparation of the 1896 census roll of the citizens of the Choctaw Nation, Martha Beals died.

I further certify that the persons mentioned in the above referred to act of the council of the Choctaw Nation have been enrolled by this Commission and that their enrollment as such was approved by the Secretary of the Interior February 4, 1903, their names appearing upon the final roll of the citizens by blood of the Choctaw Nation as prepared by this Commission opposite the numbers as follows:

9638 Beal, Reuben
10070 Mitchell, Missouri
9732 Beal, Pinkney
9746 Gravitt, Maggie
10006 Beal, Andrew P.
9754 Crowder, Rebecca
9955 Beal, Thomas T.
9956 Hughes, Nelle
9954 Beal, William C.

I further certify that the following named persons whose enrollment has heretofore been approved by the Secretary of the Interior, have selected allotments of the lands of the Choctaw and Chickasaw nations, as follows:

Reuben Beal, on May 26, 1903, land the appraised value of which amounts to $1037.30.

Pinkney Beal, on September 24, 1903, land the appraised value of which amounts to $920.00.

Maggie Gravitt, on September 15, 1903, land the appraised value of which amounts to $520.00.

Andrew P. Beal, on May 8, 1903, land theappraised value of which amounts to $996.49.

Rebecca Crowder, on May 23, 1903, land the appraised value of which amounts to $1024.37.

Thomas T. Beal, on September 24, 1903, land the appraised value of which amounts to $500.00.

William C. Beal, on April 25, 1903, land the appraised value of which amounts to $1023.75.

I further certify that on July 8, 1903, Messrs. Mansfield, McMurray & Cornish, filed with this Commission a protest against the enrollment of all persons whose citizenship in the Choctaw Nation depended upon the act of the National Council of the Choctaw Nation approved October 25, 1890, admitting Martha Beals, et al. to citizen-

ship in the Choctaw Nation until such time as the Choctaw and Chickasaw Citizenship Court determines the rights of applicants before that court relying upon the identical status and family relationship of persons admitted by the act of the Choctaw Council above referred to; and on August 6, 1903, the Commission, in reply to the protest of the attorneys for the Choctaw and Chickasaw nations above referred to advised them that the Commission had theretofore enrolled as citizens of the Choctaw Nation a number of persons whose rights are dependent upon acts of the Choctaw Council and that the names of such persons had been placed upon schedules of citizens of said nation prepared for forwarding to the Secretary of the Interior and that their enrollment had been approved and that they were, under the provisions of the act of Congress approved July 1, 1902, entitled to selections of allotments and that the Commission did not feel warranted in issuing any order to the Choctaw and Chickasaw Land Offices prohibiting allotment of land to any person whose enrollment had thus been approved by the Secretary of the Interior; that the protest of the attorneys for the Choctaw and Chickasaw Nations of July 8, 1903 and the reply of the Commission of August 6, 1903, were transmitted to the Secretary of the Interior by the attorneys for the Choctaw and Chickasaw nations on August 15, 1903, and the Department was requested to direct the Commission to take no further action in the matter of the enrollment or allotment of the lands of the Choctaw and Chickasaw Nations of the persons so admitted to citizenship by acts of the Choctaw National Council.

I further certify that on November 18, 1903, the Secretary of the Interior directed the Commission to enroll the names of and allot lands to such persons as have been duly admitted to citizenship in the Choctaw Nation without regard to such decision as may hereafter be rendered by the Choctaw and Chickasaw Citizenship Court.

I further certify that on December 10, 1903, the Secretary of the Interior by wire instructed the Commission as follows:

"Suspend action on letter November eighteenth I.T.D. Seven thousand one thirty one, etc. relative to persons admitted to citizenship Choctaw or Chickasaw Nations by Nations authorities. Letter follows."

In Testimony Whereof I have hereunto set my hand this December 14, 1903, at Muskogee, Indian Territory.

Chairman.

Commission to the Five Civilized Tribes,

Durant, Indian Territory.

In the enrollment of Reuben Beal's children as choctaws; Reuben Beal being sworn and examined by Com'r McKennon states:

Q What is your name? A Reuben Beal.

Q How old are you? A Forty-six.

Q You were admitted by Act of Choctaw council 12 approved October 25th 1890? A Yes sir.

Q Your children were not admitted were they? A I don't know.

Com'r McKennon: They are not included in this.

Q You have a son Henry Arthur, 14 years old; Johnnie, 12 years old, Jesse B., 10 years old, Mary, 8 years old, Ida, 5 years old, and Henry 6 years old; Mr Arthur and Johnnie and Jesse B., having been born prior to your admission, and not included in the Act of Council admitting you, are not enrolled. Mary, Ida and Henry, having been born to you since you were admitted, are enrolled. Arthur, and Johnnie and Jesse B. are all on the Choctaw roll of 1896.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

M D Green

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

In the enrollment of applicants for the ALLEN FAMILY as Choctaw by

Cowlic intermarriage.

Albert Beals is on Dawes, #711, Blue County Pay Roll, 1893; Samantha Beals, on page 2, #42, Blue County, 1893 Pay Roll; George Beals, on page 2, #53, 1893 Pay Roll, Blue County; Reuben Beals, on page 2, #54, on same Pay Roll; Arthur Beals, on page 2, #55, Blue County Pay Roll; Jeremiah Beals, on same page, #57, Josiah Beals, on same page, #58, John Beals, on page 14, #101; Mary Beals, on page 14, #102, by Dawes, #101, as May Beals; Turner Beals, #150; Ada Beals, page 7, #76; Anna Beals, on page 7,

---

Department of the Interior,

Commissioner to the Five Civilized Tribes.

I, [illegible], hereby certify that the above is a true and correct copy as taken and compared by me with the original now on file in this office, and that it is a true, full and complete transcription of said original.

[signature]

No. 297

Certificate of Record of Marriages.

United States of America,
The Indian Territory.
Central District. } SCT.

I, E. J. Farris Clerk of the United States Court in the Indian Territory and District aforesaid, do hereby CERTIFY that the License and Certificate of the Marriage of Mr. R. B. Neal and Miss Minnie Hallaway was filed in my office in said Territory and District the 30 day of April A. D. 1903, and duly recorded in Book 1 of Marriage Record, Page 117

Witness my hand and seal of said Court, at Wewoka this 30 day of April A. D. 1903

E. J. Farris Clerk.

By W. M. Bellows Deputy.

P. O. .....

CHOCTAW NEW BORN 7621

RECEIVED AUG -9 1905

No. 1102

MARRIAGE LICENSE.

United States of America, The Indian Territory, Central District, SS.

To any Person Authorized by Law to Solemnize Marriage, Greeting:

You are hereby commanded to Solemnize the Rite and publish the Banns of Matrimony between Mr. W. B. Beal of Durant in the Indian Territory, aged 40 years, and Miss Minnie Holloway of Durant in the Indian Territory, aged 18 years, according to law, and do you officially sign and return this License to the parties therein named.

WITNESS my hand and official seal, this 27th day of April A. D. 1903

E. Mannin
Clerk of the United States Court.

M. Malone Deputy.

United States of America, The Indian Territory, Central District. } ss.

Certificate of Marriage.

I, G. F. Seck a Mayor do hereby certify, that on the 29th day of April A. D. 1903, I did, duly and according to law, as commanded in the foregoing License, solemnize the Rite and publish the Banns of Matrimony between the parties therein named.

Witness my hand, this 29th day of April A. D. 1903

My credentials are recorded in the office of the Clerk of the United States Court in the Indian Territory, Central District, Book ....., Page .....

G. F. Seck
a Mayor Sile I. T.

NOTE.—This License and Certificate of Marriage must be returned to the office of the Clerk of the United States Court of the Indian Territory, from whence it was issued, within sixty days from the date thereof, or the party to whom the License was issued, will be liable in the amount of One Hundred Dollars ($100.00).

MEMORANDA.

(Date) August 1899.

Name Reuben Beal

Choctaw? yes County Blue Year 96 No. 1563

Chickasaw? County Year Page 39

Citizen by blood? yes Mother's citizenship Choc

Intermarried citizen?

Married under what law?

License filed this day.

Wife's name,

Choctaw? County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day

Names of children:

1 Arthur Beal	County Blue	Year 96	Page 39	No. 1568
2 Del	"	Year "	Page "	No. 1569
X Jesse B. "	County "	Year "	Page "	No 1570
# Mary "	County "	Year "	Page "	No 1571
5 Ida "	County "	Year "	Page "	No 1572
6 Henry "	County "	Year "	Page "	No 1573
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.

1 On said Reuben Beal

X On said Jesse " "

" " Mary " "

1 All on said Beals

3367

Evidence of marriage of father & mother of above children to be supplied.

Choctaw 3367
Choctaw 3496
Choctaw R 384;389

Muskogee, Indian Territory, April 3, 1903.

A. S. Wheeler,

Silo, Indian Territory.

Dear Sir:

Your letter of March 14, addressed to the Secretary of the Interior, has been by him referred to this Commission for consideration and appropriate action. You ask therein concerning the enrollment of the following persons: W. C. Beal, Mahala Beal, Adabelle Beal Moore, R. B. Beal Jr., and Johnie Beal.

In reply to your letter you are advised that it appears from our records that William C. Beal and his children, Mahala and John Beal, and Reuben Beal, son of Andrew and Martha Beal, have been enrolled by this Commission as citizens by blood of the Choctaw Nation and on February 4, 1903, their enrollment was approved by the Secretary of the Interior.

It further appears that Ada B. Beal Moore, Annie Beal and Johnie Beal are applicants to this Commission for enrollment as citizens by blood of the Choctaw Nation, but their final right to such enrollment has not yet been determined.

Respectfully,

Stenographer in Charge.

Y-3587.

Muskogee, Indian Territory, May 12, 1905.

Reuben Beal,

Care of John W. Hampton,

Durant, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of May 8, in which you ask how to proceed to have your wife, Minnie Beal, enrolled as an intermarried citizen of the Choctaw Nation. You state that you are a duly enrolled citizen by blood and that the application for the enrollment of your child by your wife, Minnie Beal, has been approved.

In reply to your letter you are advised that the affidavits heretofore forwarded at the birth of your child, Ina Beal, have been filed with our records as an application for her enrollment, but the Commission has not yet passed upon the same.

If you will state the date of your marriage to your wife, Minnie Beal, and whether or not application has been made to this Commission for her enrollment as a citizen by intermarriage of the Choctaw Nation, the matter of your inquiry will receive further consideration.

Respectfully,

Chairman.

7--3167.

Muskogee, Indian Territory, May 23, 1905.

Reuben Beal,

Care of John W. Hampton,

Durant, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of May 17, referring to the enrollment of your wife, Minnie Beal, and stating that no application has heretofore been made to the Commission for her enrollment. You state that you were married April 29, 1903, and an attempt is being made by some "grafters" trying to secure your wife's enrollment for a charge of her surplus allotment.

In reply to your letter you are advised that under the provisions of the act of Congress approved July 1, 1902, no person who has married a citizen of the Choctaw or Chickasaw Nation, subsequent to September 25, 1902, the date of the ratification of said act, is entitled to enrollment and allotment as an intermarried citizen of said nations.

You will therefore see that the Commission is without authority to enroll your wife, Minnie Beal as an intermarried citizen of the Choctaw Nation.

Respectfully,

Chairman.

Choc 5847

John Peter Beal

Father enrolled on Choc 3489

Trans from Choc #R-385
Oct. 31, 1904

5847

Commission to the Five Civilized Tribes,

Durant, Indian Territory.

In the enrollment of Pinkney Beal and children as Choctaws; being sworn and examined by Commissioner McKennon he states;

Q What is your name? A Pinkney Beal

Q xxHxxxxxxxxxxxxxxxxxxxx

Q Your oldest child is John P.? A Yes sir

Q What is his age? A Fourteen past.

Q Your next one is what? A Pony, twelve years old, past.

Q The next one is Ray M.? A Yes sir.

Q What is the date of his birth? A She was born in December, 1889.

Q The next one is Wilson J.? A Yes sir.

Q He was born when? A He was born in 1892.

A The next one is Pinkney, he was born in 1897; the next one is Poley, he was born in May, 1899.

Com'r McKennon: Pinkney was admitted by Act of Council No. 12, approved October 25th, 1890, as Pinkney Beals; his children, John P., Pony and Roy M.,- on the roll of 1896, but not having been born prior to this date, are not enrolled. Wilson J. , Pinkney Jr. and Poley, having been born since that date, are enrolled.

(Applicant apparently white.)

Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify that upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

In Re the Application John Peeler Beal et. al., Children of Pinkney Beal, a Choctaw Indian, for Enrollment as Choctaw Indians and members of the Choctaw Tribe of Indians by blood. Application made before Commission to Five Civilized Tribes at Durant, August, 1900, based upon former enrollment by Choctaw Authorities.

Affidavit of T. W. Hunter.

Indian Territory.
ss.
Central District.

On this the 7th. day of August, 1900, personally appeared before me, the undersigned authority, T. W. Hunter, to me well and personally known as the Person making the following affidavit, who after being duly sworn according to law, stated upon his oath as follows, to-wit:

My name is T. W. Hunter, my Post Office is Caddo, Ind. Ter. My age is 31 years. I am a Choctaw Indian by blood, and a member of the Choctaw Council, being the representative from Blue County, Choctaw Nation. I am familiar with the laws and customs of the Choctaw Indians, especially so with the laws and customs of my people touching citizenship.

I know that it has been for many years the custom to enroll the minor children of such parents as were admitted to citizenship by the Choctaw Tribunals of citizenship although the names of such children were always ommitted from the judgement or act admitting such parents. I know that our Choctaw authorities have always recognized this custom, and have enrolled such children; and that the names of such children were upon the Choctaw Rolls from the time their parents were so admitted until the Commission refused them enrollment.

I have no interest in this or any other application for citizenship, and the facts herein stated I know from my own knowledge and experience.

T. W. Hunter.

Sworn and subscribed to before me this the 7th. day of August, 1900.

Notary Public.

V

In Re the Application of Ada Bell Deal et. al., Children of [redacted] Deal, a Choctaw Indian, for Enrollment as Choctaw Indians by blood and members of the Choctaw Tribe of Indians. Application made before the Commission to the Five Civilized Tribes at Muskogee, August, 1900, based upon former enrollment by the Choctaw Authorities.

Indian Territory.
Central District. ss. Affidavit of T. W. Hunter.

On this the 7th. day of August, 1900, personally appeared before me, the undersigned authority, T. W. Hunter, to me well and personally known as the person making the following affidavit, who after being duly sworn according to law, stated upon his oath as follows, to-wit:

My name is T. W. Hunter, my Post Office is Caddo, Ind. Ter. My age is 31 years. I am a Choctaw Indian by blood, and a member of the Choctaw Council, being the representative from Blue County, Choctaw Nation. I am familiar with the laws and customs of the Choctaw Indians, especially so with the laws and customs of my people touching citizenship.

I know that it has been for many years the custom to enroll the minor children of such parents as were admitted to citizenship by the Choctaw Tribunals of Citizenship although the names of such children were always ommitted from the judgement or act admitting such parents. I know that our Choctaw authorities have always recognised this custom, and have enrolled such children; and that the names of such children were upon the Choctaw Rolls from the time their parents were so admitted until the Commission refused them enrollment.

I have no interest in this or any other application for citizenship, and the facts herein stated I know from my own knowledge and experience.

T. W. Hunter.

Sworn and subscribed to before me this the 7th. day of August, 1900.

Notary Public.

The State of Texas,)

County of Fannin.) To any Judge of the District Court, Justice of the Peace or regularly licensed or ordained Minister of the gospel--GREETING:-

You are hereby authorized to solemnize the rites of matrimony between Pinckney Beal and Ailcy Cooper and make due return of this license to my office within sixty days, certified according to law.

Given under my hand and seal of office at Bonham, this the 24th day of July, I882. J. H. Oliphint, Clerk County Court,

Fannin County.

By J. P. Noble, Dep'ty.

I, A. J. Duckworth, a J. P., hereby certify that I solemnized the rites of matrimony between Pinckney Beal and Ailcy Cooper on the 30th day of July I882. A. J. Duckworth, Justice of the Peace

Fannin County.

Issued July 24th I882.

Recorded Sept. 22nd I882.

The State of Texas,)

County of Fannin.) I, T. F. Gray, County Clerk of Fannin County, Texas, do hereby certify that the foregoing is a true copy of the marriage license and the return thereon,mof the parties therein mentioned as is of record on page 424 of the marriage licenses of Fannin County in Book 'D'.

Witness my hand and official seal this I4th day of August, A. D. I8[illegible].

T. F. Gray, Co. Clerk, Fannin Co. Te

Per A Oliphint Deputy.

COPY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,

In the matter of the application for the enrollment of William Albert Beal, et al., as citizens of the Choctaw Nation, consolidating the applications of--

William Albert Beal, et al.----------7-R-18
Henry W. Marcum, et al.----------7-D-568
Reuben Beal Jr., et al.----------7-R-19
George Beal, et al.----------7-D-719
Rosa Dills, et al.----------7-R-75
Arthur Beal, et al.----------7-R-384
John Peter Beal, et al.----------7-R-385
Willie Gravitt, et al.----------7-3417
Ada Bell Moore, et al.----------7-R-389
William T. Beal----------7-R-386

--: D E C I S I O N :--

It appears from the census card records of the Commission that on August 14, 1899 William Albert Beal appeared before the Commission and made personal application for the enrollment of himself and his two minor children, Samantha Beal and Bulah Beal, as citizens by blood of the Choctaw Nation; that on August 18, 1899 Henry W. Marcum appeared before the Commission and made personal application for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Cordelia Marcum, and their three minor children, Jesse Marcum, Claudie Marcum and Clarence Marcum, as citizens by blood, of the Choctaw Nation; that on August 14, 1899 Reuben Beal Jr. appeared before the Commission and made personal application for the enrollment of himself and his minor child, Cora Beal, as citizens by blood, and for the enrollment of his wife, Eliza Beal (now McCurry), as a citizen by intermarriage, of the Choctaw Nation; that on May 16, 1902 George Beal appeared before the Commission and made personal application for the enrollment of himself and his minor child, Millie Levana Beal, as citizens by blood of the Choctaw Nation; that on August 14, 1899 Rosa Dills appeared before the Commission and made personal application for the enrollment of herself and her minor child, Nora M. Dills, as citizens by blood of the Choctaw Nation; that on August 17, 1899 personal application was made to this Commission for the enrollment of Arthur Beal and Minnie

Beal as citizens by blood of the Choctaw Nation; that on August 17, 1899 personal application was made to this Commission for the enrollment of John Peter Beal, Pony Beal and Roy May Beal as citizens by blood of the Choctaw Nation; that on August 15, 1899 personal application was made to this Commission for the enrollment of Willie Gravitt, Phelan Gravitt and Andy Gravitt as citizens by blood of the Choctaw Nation; that on August 16, 1899 personal application was made to this Commission for the enrollment of Ada Bell Beal (now Moore) and Annie Beal as citizens by blood of the Choctaw Nation; that on August 17, 1899 personal application was made to this Commission for the enrollment of William T. Beal as a citizen by blood of the Choctaw Nation and that written applications were made to this Commission for the enrollment of William D. Beal, Lulu Marcum, Benj. Lee Beal, Lether Lee Dills and Roy L. Moore, as citizens by blood of the Choctaw Nation on September 23, 1901, October 28, 1901, November 25, 1902, September 23, 1901 and May 16, 1902, respectively. The applications of those persons whose names are mentioned in the record herein and whose rights are not passed upon in this decision have heretofore been disposed of by the Commission.

It appears from the record herein and the census card records of the Commission that the applicants, William Albert Beal, Cordelia Marcum, Reuben Beal Jr., George Beal, Rosa Dills, Arthur Beal and Johnnie Beal, are the offspring of the marriage of Mary Beal, a white woman having no rights of Choctaw citizenship by blood, and Reuben Beal, who was admitted to citizenship in the Choctaw Nation by an act of the General Council of said nation, approved October 25, 1890, and whose name appears as number 9635 upon the lists prepared by this Commission under the act of Congress approved July 1, 1902 (32 Stat., 641), of persons entitled to enrollment as citizens by blood of the Choctaw Nation and approved by the Secretary of the Interior on February 4, 1903; that the applicants, John Peter Beal, Pony Beal and Roy May Beal, are the offspring of the marriage of Ailsey Beal, a white woman having no rights of Choctaw citizenship by blood, and Pinkney Beal, who was admitted to citizenship in the Choctaw Nation by said act of the General Council of said nation, above referred to, and whose name appears as number 9951 upon the lists prepared by this Commission under said act of Congress approved July 1, 1902, of persons entitled to enrollment as citizens by blood of the Choctaw Nation and approved by the Secretary of the Interior on February 4, 1903; that the applicants, Willie Gravitt, Phelan Gravitt and Andy Gravitt, are the offspring of the marriage of John Gravitt, a white man having no rights of Choctaw citizenship by blood, and Maggie Gravitt (nee Beal), who was admitted to citizenship in the Choctaw Nation by said act of the General Council of said nation, above referred to, and whose name appears as number 9748 upon the lists prepared by this Commission under said act of Congress approved July 1, 1902, of persons entitled to enrollment as

citizens by blood of the Choctaw Nation and approved by the Secretary of the Interior on February 4, 1903; that the applicants, Ada Bell Moore and Annie Beal, are the offspring of the marriage of Dennie Beal, a white woman having no rights of Choctaw citizenship by blood, and William C. Beal, who was admitted to citizenship in the Choctaw Nation by said act of the General Council of said nation, above referred to, and whose name appears as number 9954 upon the lists prepared by this Commission under said act of Congress approved July 1, 1902, of persons entitled to enrollment as citizens by blood of the Choctaw Nation and approved by the Secretary of the Interior on February 4, 1903; that the applicant, William T. Beal, is the offspring of the marriage of Brown Beal, a white woman having no rights of Choctaw citizenship by blood and Andrew P. Beal, who was admitted to citizenship in the Choctaw Nation by said act of the General Council of said nation, above referred to, and whose name appears as number 10095 upon the lists prepared by this Commission under said act of Congress approved July 1, 1902, of persons entitled to enrollment as citizens by blood of the Choctaw Nation and approved by the Secretary of the Interior on February 4, 1903; that the applicants, Samantha Beal, Bulah Beal and William D. Beal, are the offspring of the marriage of the applicant, William Albert Beal, and Sallie Beal, a white woman having no rights of Choctaw citizenship by blood; that the applicants, Jesse Marcum, Claudie Marcum, Clarence Marcum and Lulu Marcum, are the offspring of the marriage of the applicants, Cordelia Marcum and Henry W. Marcum; that the applicant, Cora Beal, is the offspring of the marriage of the applicants, Reuben Beal Jr. and Eliza McCurry (formerly Beal); that the applicant, Benj. Lee Beal, is the offspring of the marriage of the applicant, Reuben Beal Jr., and Mosie Beal, a white woman having no rights of Choctaw citizenship by blood; that the applicant, Millie Levana Beal, is the offspring of the marriage of the applicant, George Beal, and Ada Beal, a white woman having no rights of Choctaw citizenship by blood; that the applicants, Nora M. Dills and Lether Lee Dills, are the offspring of the marriage of the applicant, Rosa Dills, and E. G. Dills, a white man having no rights of Choctaw citizenship by blood; and that the applicant, Roy L. Moore, is the offspring of the marriage of the applicant, Ada Bell Moore, and F. B. Moore, a white man having no rights of Choctaw citizenship by blood.

It further appears from the record herein that the applicants, William Albert Beal, Cordelia Marcum, Reuben Beal Jr., George Beal, Rosa Dills, Arthur Beal, Johnnie Beal, John Peter Beal, Pony Beal, Roy May Beal, Willie Gravitt, Phelan Gravitt, Andy Gravitt, Ada Bell Moore, Annie Beal and William T. Beal, were living on October 25, 1890, the date of the approval of said act of the General Council of the Choctaw Nation admitting their parents to citizenship in said nation, and that their names are not mentioned in said act of admission.

It appears from an examination of the tribal rolls in the possession of the Commission that the applicants, William Albert Beal, Samantha Beal, Cordelia Marcum, Jesse Marcum, Reuben Beal Jr., George Beal, Rosa Dills, Arthur Beal, Johnnie Beal, John Peter Beal, Pony Beal, Roy May Beal, Willie Gravitt, Phelan Gravitt, Andy Gravitt, Ada Bell Moore, Annie Beal and William T. Beal, are identified upon the 1893 Choctaw Leased District Payment Roll, Blue County, numbers 61, 62, 788, 789, 54, 55, 59, 56, 57, 151, 152, 154, 507, 508, 509, 76, 77 and 158, respectively; and that the applicants, William Albert Beal, Samantha Beal, Cordelia Marcum, Jesse Marcum, Claudie Marcum, Reuben Beal Jr., George Beal, Rosa Dills, Arthur Beal, Johnnie Beal, John Peter Beal, Pony Beal, Roy May Beal, Willie Gravitt, Phelan Gravitt, Andy Gravitt, Ada Bell Moore, Annie Beal and William T. Beal, are identified upon the 1896 Choctaw Census Roll, numbers 1564, 1574, 8897, 8900, 8901, 1565, 1566, 1567, 1568, 1569, 1625, 1626, 1627, 4866, 4867, 4868, 1541, 1542 and 1546, respectively; said applicants being enrolled on said rolls as citizens by blood of said nation. The applicants, Bulah Beal, William D. Beal, Clarence Marcum, Lulu Marcum, Cora Beal, Benj. Lee Beal, Millie Levana Beal, Nora M. Dills, Lether Lee Dills and Roy L. Moore, having been born subsequent to the preparation of said 1896 Choctaw Census Roll, are identified by proper birth certificates, filed with and made a part of the record in this case.

It further appears from the record herein that the applicant, Henry W. Marcum, a white man, was first married to the applicant, Cordelia Marcum (nee Beal), under the laws of the State of Texas about 1892; that subsequently, on August 13, 1899, said parties were married in accordance with the laws, customs and usages of the Choctaw Nation; that at the time of said last mentioned marriage both of said parties were residents in good faith of the Choctaw Nation and that they lived together continuously in said nation as husband and wife from the date of said last mentioned marriage up to and including September 25, 1902.

It further appears from the record herein that the applicant, Eliza McCurry, a white woman, was on August 30, 1896 lawfully married to the applicant, Reuben Beal Jr.; that at the time of said marriage both of said parties were residents in good faith of the Choctaw Nation; that they lived together continuously as husband and wife from the date of said marriage until about January, 1898, when they separated and were divorced on August 15, 1900; that on September 23, 1900 the applicant, Eliza McCurry, was lawfully married to Walter McCurry, a white man having no rights of Choctaw citizenship by blood; and that the said Eliza McCurry had been a resident in good faith of the Choctaw Nation from the date of her said marriage with the said Reuben Beal Jr. up to and including September 25, 1902.

It further appears from the record in this case that all the applicants herein, who were then living, were on June 28, 1898 residents in good faith of Indian Territory.

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of James M. Buckholts, et al. (I.T.D. 8490-1903), William Albert Beal, Samantha Beal, Bulah Beal, William D. Beal, Cordelia Marcum, Jesse Marcum, Claudie Marcum, Clarence Marcum, Lulu Marcum,

Reuben Beal Jr., Cora Beal, Benj. Lee Beal, George Beal, Millie Levana Beal, Rosa Dills, Nora M. Dills, Lether Lee Dills, Arthur Beal, Johnnie Beal, John Peter Beal, Pony Beal, Roy May Beal, Willie Gravitt, Phelan Gravitt, Andy Gravitt, Ada Bell Moore, Annie Beal, Roy L. Moore and William T. Beal should be enrolled as citizens by blood of the Choctaw Nation; that Henry V. Marcum should be enrolled as a citizen by intermarriage of said nation; and that, following the ruling of the Department in the case of Thornton D. Pearce (I.T.D. 4060-1904), relative to the question of forfeiture, Eliza McCurry should be enrolled as a citizen by intermarriage of said nation in accordance with the provisions of the acts of Congress approved June 28, 1898 (30 Stat., 495) and July 1, 1902 (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tams Bixby.

Chairman.

T.B. Needles.

Commissioner.

C.R. Breckinridge.

Commissioner.

Muskogee, Indian Territory,

OCT 15 1904

Cheetaw R-385

Muskogee, Indian Territory, April 7, 1902.

Roy M. Beals, or Beal,

Caddo, Indian Territory.

Dear Sir:

It appears from the records of the Commission to the Five Civilized Tribes that you heretofore made personal application to the Commission for enrollment as a citizen of the Cheetaw Nation.

You are notified that this application will be taken up for final consideration by the Commission at its office in Muskogee, Indian Territory, on Wednesday, the 14th day of May, 1902. On said date you may, if you so desire, appear before the Commission in person or by attorney and introduce additional testimony affecting your right to enrollment under the following provisions of the Act of June 28, 1898:

"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes (than Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

"No person shall be enrolled who has not heretofore moved to and in good faith settled in the nation in which he claims citizenship."

R M B 2

The representatives of the Choctaw Nation may at the same time introduce additional testimony affecting your right to enrollment, provided they give you ten days previous notice of their intention to do so.

Yours truly,

T. B. Needles

Commissioner in Charge.

Choctaw R-385

Muskogee, Indian Territory, April 8, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that from an examination of the 1896 Choctaw tribal rolls in the possession of the Commission to the Five Civilized Tribes it appears that the names of Jno. P. Beals, Fany Beals and Roy M. Beals are enrolled thereon at page 40, Nos. 1625, 1626 and 1627, respectively; whereon also appears the following notation: "Refused enrollment."

It appears from the records of the Commission that Pinkney Beals, the father of these applicants, heretofore made application for their enrollment as citizens of the Choctaw Nation in the cause entitled "Pinkney Beals et al vs. the Choctaw Nation", Choctaw No. 385.

You are notified that these applications will be taken up for final consideration by the Commission at its office in Muskogee, Indian Territory, on Wednesday, the 14th day of May, 1902. On said date you may introduce additional testimony affecting the right of said applicants to enrollment as citizens of the Choctaw Nation, provided ten days previous notice of your intention to do so has been given by you to said applicants.

Muskogee, Okla.

You are further notified that the said applicants will at the same time be given an opportunity to introduce additional testimony affecting their right to enrollment as citizens of the Choctaw Nation.

Yours truly,

T.B. Needles

Commissioner in Charge.

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BREKINRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Choctaw R-388

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, April 7, 1902.

John P. Beals, or Beal,
[redacted], Indian Territory.

Dear Sir:

It appears from the records of the Commission to the Five Civilized Tribes that you heretofore made personal application to the Commission for enrollment as a citizen of the Choctaw Nation.

You are notified that this application will be taken up for final consideration by the Commission at its office in Muskogee, Indian Territory, on Wednesday, the 14th day of May, 1902. On said date you may, if you so desire, appear before the Commission in person or by attorney and introduce additional testimony affecting your right to enrollment under the following provisions of the Act of June 28, 1898:

> "Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes (than Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."
>
> "No person shall be enrolled who has not heretofore moved to and in good faith settled in the nation in which he claims citizenship."

The representatives of the Choctaw Nation may at the same time introduce additional testimony affecting your right to enrollment, provided they give you ten days previous notice of their intention to do so.

Yours truly,

Commissioner in Charge.

Choctaw R-363

Muskogee, Indian Territory, April 7, 1903.

Tony Beals, or Beal,
Cadda, Indian Territory.

Dear Sir:

It appears from the record of the Commission to the Five Civilized Tribes that you heretofore made personal application to the Commission for enrollment as a citizen of the Choctaw Nation.

You are notified that this application will be taken up for final consideration by the Commission at its office in Muskogee, Indian Territory, on Wednesday, the 14th day of May, 1903. On said date you may, if you so desire, appear before the Commission in person or by attorney and introduce additional testimony affecting your right to enrollment under the following provisions of the Act of June 28, 1898:

"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes [than Cherokee], eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

"No person shall be enrolled who has not heretofore moved to and in good faith settled in the nation in which he claims citizenship."

F B 2

The representatives of the Choctaw Nation may at the same time appear before the Commission and introduce additional testimony affecting your right to enrollment, provided they give you ten days previous notice of their intention to do so.

Yours truly,

T. B. Needles

Commissioner in Charge.

Choctaw R 225

Muskogee, Indian Territory, March 29, 1904.

Pinkney Beal,

Albany, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of recent date in which you ask if the enrollment of your children, Pender, Ponie and Roy May Beal has been approved and in reply you are advised that the Commission has not yet passed upon the application for the enrollment of your children, John E., Pony and Roy E. Beal, as citizens by blood of the Choctaw Nation. As soon as a decision is reached in this case you will be notified of the action taken therein.

Respectfully,

Commissioner in charge.

7-R-386

Muskogee, Indian Territory, October 15, 1904.

COPY.

Pinkney Beal,

Albany, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered October 15, 1904, granting the application for the enrollment of your minor children, John Peler Beal, Pony Beal and Roy May Beal as citizens by blood of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicants as citizens of the Choctaw Nation. If at the expiration of that time no protest has been filed, their names will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Tams Bixby.

Chairman.

Registered.

Incl. 7-R-386.

7-5847

Muskogee, Indian Territory, December 5, 1904.

George Monarief,

Canadian, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of November 30, 1904, in which you ask for a Power of Attorney in order that you may file for your mother Alice Pitts who is now an invalid.

In compliance with your request there is enclosed you herewith blank Power of Attorney, also a copy of the Rules and Regulations governing the selection of allotment and the designation of homesteads in the Choctaw and Chickasaw Nations.

Respectfully,

Chairman.

P. of A.

Rules for Allotment.

Choctaw 3489

Muskogee, Indian Territory, July 1, 1902.

Pink Beal,

[redacted], Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of June 26, in which you state that you were married in July, 1882, and were admitted as a Choctaw by blood in 1890 at which time your wife was not admitted. You therefore ask if there is now any chance for her to be enrolled as an intermarried citizen of the Choctaw Nation.

In reply to your letter you are advised that it does not appear from our records that any application has been made to the Commission to the Five Civilized Tribes for the enrollment of your wife, Ailsey Beal, as an intermarried citizen of the Choctaw Nation, and under the provisions of the act of Congress approved July 1, 1902, we are now without authority to receive or consider original applications for enrollment in the Choctaw and Chickasaw Nations.

Respectfully,

[redacted]

Muskogee, Indian Territory, July 3, 1905.

[illegible] Beal,

[illegible] Durant, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of June 26, 1905, in which you state that you were married in July 1882, and were admitted as a Choctaw by blood in 1890 at which time your wife was not admitted. You therefore ask if there is now any chance for her to be enrolled as an intermarried citizen of the Choctaw Nation.

In reply to your letter you are advised that it does not appear from the records of this office that any application has been made to the Commission to the Five Civilized Tribes for the enrollment of your wife Ailsey Beal, as an intermarried citizen of the Choctaw Nation, and under the provisions of the act of Congress approved July 1, 1902, there does not now exist any authority for the reception or consideration of original applications for enrollment in the Choctaw and Chickasaw Nations.

Respectfully,

Commissioner.

Choc 5848

Ada Bell Moore

Father admitted by act of
council enrolled on Choc 3498

Trans from Choc #R-389
Oct. 31, 1904

5848

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

In the enrollment of Dennis E. Beal as an Intermarried Choctaw; William C. Beal being sworn and examined by Com'r McKennon testifies as follows:

Q What is your name? A William C. Beal.

Q How old are you? A I am thirty-four years of age.

Q When were you married to your wife, Deanie,- you were living in the Chickasaw Nation? A No sir, I was living in Texas when I was married to her.

Q When did you come from Texas to the Territory? A Eleven years ago.

Q You married her over there? A Yes sir.

Q Where had you been living before that time? A I had been living in Texas all my life.

Q Were you ever admitted by the Choctaw council? A Yes sir

Q When? A In 1890 I think it was.

Q Then you married her long before you were admitted? A Yes sir.

Q You were not a citizen when you married her? A No sir, I wasn't a citizen at all.

DENIED

Com'r McKennon: The enrollment of Dennis E. Beal is refused, because she was married to her husband in the State of Texas before he was admitted to Choctaw citizenship.

Q Give me the names and ages of your children,- what is the oldest one? A The oldest one is fifteen years old, named Ada B.

Q What is the next one? A 13 years old, Annie; Mahala is 8 years old.

Q You know what year she was born in? A I don't know that I do. Q What is the next one? A John, he is four.

Com'r McKennon: The father, William C. Beal, with other members of his family, was admitted by Act of Council approved October 17th, 1890; Ada B. and Annie, having been born prior to that date, are not enrolled; Mahala and John, having been born

since that date, are enrolled. All of these children were on the Choctaw roll of 1896.)

(Applicant apparently white)

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

M S Green

W.A.
8.20

COPY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of William Albert Beal, et al., as citizens of the Choctaw Nation, consolidating the applications of--

William Albert Beal, et al.----------7-R-18
Henry W. Marcum, et al.----------7-D-568
Reuben Beal Jr., et al----------7-R-19
George Beal, et al.----------7-D-719
Rosa Dills, et al.----------7-R-75
Arthur Beal, et al.----------7-R-384
John Peter Beal, et al.----------7-R-385
Willie Gravitt, et al.----------7-3417
Ada Bell Moore, et al.----------7-R-389
William T. Beal----------7-R-386

--: D E C I S I O N :--

It appears from the census card records of the Commission that on August 14, 1899 William Albert Beal appeared before the Commission and made personal application for the enrollment of himself and his two minor children, Samantha Beal and Bulah Beal, as citizens by blood of the Choctaw Nation; that on August 16, 1899 Henry W. Marcum appeared before the Commission and made personal application for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Cordelia Marcum, and their three minor children, Jesse Marcum, Claudie Marcum and Clarence Marcum, as citizens by blood, of the Choctaw Nation; that on August 14, 1899 Reuben Beal Jr. appeared before the Commission and made personal application for the enrollment of himself and his minor child, Cora Beal, as citizens by blood, and for the enrollment of his wife, Eliza Beal (now McCurry), as a citizen by intermarriage, of the Choctaw Nation; that on May 16, 1902 George Beal appeared before the Commission and made personal application for the enrollment of himself and his minor child, Willie Levana Beal, as citizens by blood of the Choctaw Nation; that on August 14, 1899 Rosa Dills appeared before the Commission and made personal application for the enrollment of herself and her minor child, Vera M. Dills, as citizens by blood of the Choctaw Nation; that on August 17, 1899 personal application was made to this Commission for the enrollment of Arthur Beal and Johnnie Beal as

citizens by blood of the Choctaw Nation; that on August 17, 1899 personal application was made to this Commission for the enrollment of John Peter Beal, Tony Beal and Ray May Beal as citizens by blood of the Choctaw Nation; that on August 16, 1899 personal application was made to this Commission for the enrollment of Willis Gravitt, Phelan Gravitt and Andy Gravitt as citizens by blood of the Choctaw Nation; that on August 16, 1899 personal application was made to this Commission for the enrollment of Ada Bell Beal (now Moore) and Annie Beal as citizens by blood of the Choctaw Nation; that on August 17, 1899 personal application was made to this Commission for the enrollment of William T. Beal as a citizen by blood of the Choctaw Nation and that written applications were made to this Commission for the enrollment of William D. Beal, Lulu Marcum, Benj. Lee Beal, Lother Lee Dills and Ray L. Moore, as citizens by blood of the Choctaw Nation on September 23, 1901, October 28, 1901, November 25, 1902, September 23, 1901 and May 16, 1902, respectively. The applications of those persons whose names are mentioned in the record herein and whose rights are not passed upon in this decision have heretofore been disposed of by the Commission.

It appears from the record herein and the census card records of the Commission that the applicants, William Albert Beal, Cordelia Marcum, Reuben Beal Jr., George Beal, Rosa Dills, Arthur Beal and Johnnie Beal, are the offspring of the marriage of Mary Beal, a white woman having no rights of Choctaw citizenship by blood, and Reuben Beal, who was admitted to citizenship in the Choctaw Nation by an act of the General Council of said nation, approved October 25, 1890, and whose name appears as number 9635 upon the lists prepared by this Commission under the act of Congress approved July 1, 1902 (32 Stat., 641), of persons entitled to enrollment as citizens by blood of the Choctaw Nation and approved by the Secretary of the Interior on February 4, 1903; that the applicants, John Peter Beal, Tony Beal and Ray May Beal, are the offspring of the marriage of Ailsey Beal, a white woman having no rights of Choctaw citizenship by blood, and Pinkney Beal, who was admitted to citizenship in the Choctaw Nation by said act of the General Council of said nation, above referred to, and whose name appears as number 9631 upon the lists prepared by this Commission under said act of Congress approved July 1, 1902, of persons entitled to enrollment as citizens by blood of the Choctaw Nation and approved by the Secretary of the Interior on February 4, 1903; that the applicants, Willis Gravitt, Phelan Gravitt and Andy Gravitt, are the offspring of the marriage of John Gravitt, a white man having no rights of Choctaw citizenship by blood, and Maggie Gravitt (nee Beal), who was admitted to citizenship in the Choctaw Nation by said act of the General Council of said nation, above referred to, and whose name appears as number 9748 upon the lists prepared by this Commission under said act of Congress approved July 1, 1902, of persons entitled to enrollment as citizens by blood of the

Choctaw Nation and approved by the Secretary of the Interior on February 4, 1903; that the applicants, Ada Bell Moore and Annie Beal, are the offspring of the marriage of Dennie Beal, a white woman having no rights of Choctaw citizenship by blood, and William T. Beal, who was admitted to citizenship in the Choctaw Nation by said act of the General Council of said nation, above referred to, and whose name appears as number 9954 upon the lists prepared by this Commission under said act of Congress approved July 1, 1902, of persons entitled to enrollment as citizens by blood of the Choctaw Nation and approved by the Secretary of the Interior on February 4, 1903; that the applicant, William T. Beal, is the offspring of the marriage of Brown Beal, a white woman having no rights of Choctaw citizenship by blood, and Andrew P. Beal, who was admitted to citizenship in the Choctaw Nation by said act of the General Council of said nation, above referred to, and whose name appears as number 10095 upon the lists prepared by this Commission under said act of Congress approved July 1, 1902, of persons entitled to enrollment as citizens by blood of the Choctaw Nation and approved by the Secretary of the Interior on February 4, 1903; that the applicants, Samantha Beal, Eulah Beal and William D. Beal, are the offspring of the marriage of the applicant, William Albert Beal, and Sallie Beal, a white woman having no rights of Choctaw citizenship by blood; that the applicants, Jesse Marcum, Claudie Marcum, Clarence Marcum and Lulu Marcum, are the offspring of the marriage of the applicants, Cordelia Marcum and Henry W. Marcum; that the applicant, Cora Beal, is the offspring of the marriage of the applicants, Reuben Beal Jr. and Eliza McCurry (formerly Beal); that the applicant, Benj. Lee Beal, is the offspring of the marriage of the applicant, Reuben Beal Jr., and Mosie Beal, a white woman having no rights of Choctaw citizenship by blood; that the applicant, Millie Levana Beal, is the offspring of the marriage of the applicant, George Beal, and Ada Beal, a white woman having no rights of Choctaw citizenship by blood; that the applicants, Horn M. Dills and Lether Lee Dills, are the offspring of the marriage of the applicant, Rosa Dills, and E. G. Dills, a white man having no rights of Choctaw citizenship by blood; and that the applicant, Roy L. Moore, is the offspring of the marriage of the applicant, Ada Bell Moore, and F. B. Moore, a white man having no rights of Choctaw citizenship by blood.

It further appears from the record herein that the applicants, William Albert Beal, Cordelia Marcum, Reuben Beal Jr., George Beal, Rosa Dills, Arthur Beal, Johnnie Beal, John Peter Beal, Pony Beal, Roy May Beal, Willie Gravitt, Phelan Gravitt, Andy Gravitt, Ada Bell Moore, Annie Beal and William T. Beal, were living on October 25, 1890, the date of the approval of said act of the General Council of the Choctaw Nation admitting their parents to citizenship in said nation, and that their names are not mentioned in said act of admission.

It appears from an examination of the tribal rolls in the possession of the Commission that the applicants, William Albert Beal, Samantha Beal, Cordelia Marcum, Jesse Marcum, Reuben Beal Jr., George Beal, Rosa Dills, Arthur Beal, Johnnie

Beal, John Peler Beal, Pony Beal, Roy May Beal, Willie Gravitt, Phalan Gravitt, Andy Gravitt, Ada Bell Moore, Annie Beal and William T. Beal, are identified upon the 1893 Choctaw Leased District Payment Roll, Blue County, numbers 61, 62, 788, 789, 54, 55, 59, 56, 57, 151, 152, 154, 507, 508, 509, 76, 77, and 158, respectively; and that the applicants, William Albert Beal, Samantha Beal, Cordelia Marcum, Jesse Marcum, Claudie Marcum, Reuben Beal Jr., George Beal, Rosa Dills, Arthur Beal, Johnnie Beal, John Peler Beal, Pony Beal, Roy May Beal, Willie Gravitt, Phalan Gravitt, Andy Gravitt, Ada Bell Moore, Annie Beal and William T. Beal, are identified upon the 1896 Choctaw Census Roll, numbers 1564, 1574, 8897, 8900, 8901, 1565, 1566, 1567, 1568, 1569, 1625, 1626, 1627, 4866, 4867, 4868, 1541, 1542 and 1546, respectively; said applicants being enrolled on said rolls as citizens by blood of said nation. The applicants, Eulah Beal, William D. Beal, Clarence Marcum, Lulu Marcum, Cora Beal, Benj. Lee Beal, Millie Levana Beal, Nora M. Dills, Lether Lee Dills and Roy L. Moore, having been born subsequent to the preparation of said 1896 Choctaw Census Roll, are identified by proper birth certificates, filed with and made a part of the record in this case.

It further appears from the record herein that the applicant, Henry W. Marcum, a white man, was first married to the applicant, Cordelia Marcum (nee Beal), under the laws of the State of Texas about 1892; that subsequently, on August 13, 1899, said parties were married in accordance with the laws, customs and usages of the Choctaw Nation; that at the time of said last mentioned marriage both of said parties were residents in good faith of the Choctaw Nation and that they lived together continuously in said nation as husband and wife from the date of said last mentioned marriage up to and including September 25, 1902.

It further appears from the record herein that the applicant, Eliza McCurry, a white woman, was on August 30, 1896 lawfully married to the applicant, Reuben Beal Jr.; that at the time of said marriage both of said parties were residents in good faith of the Choctaw Nation; that they lived together continuously as husband and wife from the date of said marriage until about January, 1898, when they separated and were divorced on August 16, 1900; that on September 25, 1900 the applicant, Eliza McCurry, was lawfully married to Walter McCurry, a white man having no rights of Choctaw citizenship by blood; and that the said Eliza McCurry had been a resident in good faith of the Choctaw Nation from the date of her said marriage with the said Reuben Beal Jr. up to and including September 25, 1902.

It further appears from the record in this case that all the applicants herein, who were then living, were on June 28, 1898 residents in good faith of Indian Territory.

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of James M. Buckholts, et al. (I.T.D. 8490-1903), William Albert Beal, Samantha Beal, Eulah Beal, William D. Beal, Cordelia Marcum, Jesse Marcum, Claudie Marcum, Clarence Marcum, Lulu Marcum, Reuben Beal Jr., Cora Beal, Benj. Lee Beal, George Beal, Millie Levana Beal, Rosa Dills, Nora M. Dills, Lether Lee Dills,

[redacted]

Tams Bixby

T. B. Needles

C. R. Breckinridge

Muskogee, Indian Territory,

OCT 15 1904

No. _____

Marriage License.

AND

Issued the _____ day of

_____ 189_

_____ Clerk County Court _____ Co.

By _____ Deputy.

Filed the _____ day of

_____ 189_

_____ Clerk County Court _____ Co.

By _____ Deputy.

Recorded in Book ___ Page ___ of Marriage Record.

1-389

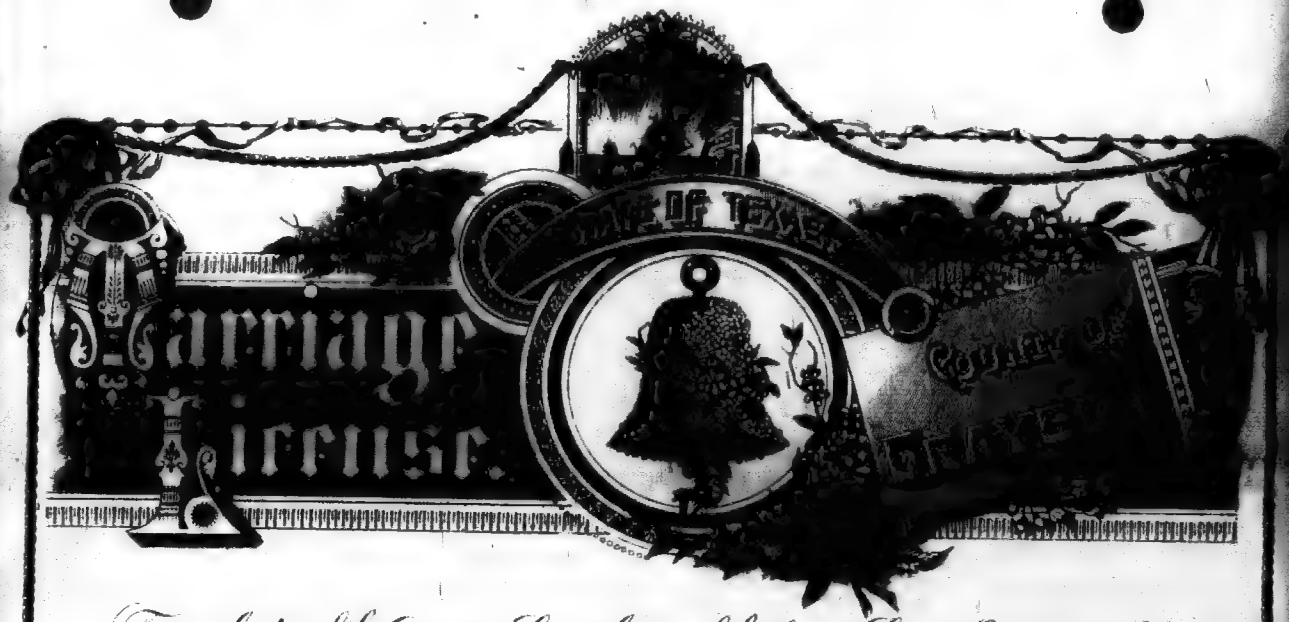
DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAY 15 1902

The State of Texas, ::
::
County of Grayson. :: I, P. F. Ellis, Clerk of the County Court in and for Grayson County, Texas, do hereby certify that the instrument of writing which appears on the reverse hereof, is a true and correct copy of the Marriage License and Return thereon, that was issued to F. B. Moore AND Ada Bell Beal as the same appears of record in my office, in Vol. "P" page 114 of the Records of Marriages of Grayson County, Texas.

Given under my hand and official seal on this the 23 day of April 1902.

P. F. Ellis
Clerk of the County Court of Grayson County, Texas.

By J. T. Hendrix Deputy.



To any Judge of the District Court, Judge of the County Court, Ordained or Licensed Minister Jewish Rabbi, or Justice of the Peace of Grayson County Greeting:

You are hereby Authorized to Celebrate the

RITES OF MATRIMONY

Between F. B. Moore.

and Ada Bell Beal.

and make due return to the Clerk of said Court within sixty days thereafter, certifying your action under this License.

Witness my Official Signature and Seal this 10 day of June 1899

L M Tuck Clerk

By G. A. Dieterman Deputy

I J M Carter certify that on the 25 day of June 1899 I united in Marriage F B Moore

and Ada Bell Beal — the parties above named.

Witness my hand this 25 day of June 1899

J M Carter Pastor M E Church

South Side, D. T.

22

IN RE

Application for Enrollment of

INFANT CHILD

Roy L. Moore

as a citizen of

Choctaw Nation.

Approved 190

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAY 16 1902

Acting Chairman.

BIRTH AFFIDAVIT. 20

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Chickasaw Nation,
of Roy L. Moore, born on the 11 day of Jan, 1902
(Here insert name of child.)
Name of Father: F. R. Moore, a citizen of the United States Nation.
Name of Mother Ada Bell Moore, a citizen of the Chickasaw Nation.
Post-office, Sasakwa, Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
East District.

I, Ada Bell Moore, on oath state that I am 17 years of age and a citizen, by blood, of the Chickasaw Nation; that I am the lawful wife of F. R. Moore, who is a citizen, by ..... of the United States Nation, that a male child was born to me on the 11 day of Jan 1902 that said child has been named Roy L. Moore, and is now living.

(male or female.)

WITNESSED TO MARK

(Must be Two Witnesses)

* Ada Bell Moore.

Subscribed and sworn to before me this 23 *day of* Jan 1902

G. F. Peak

NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
East District.

I, E. G. Pate, Physician, on oath state that I attended on Mrs. Ada Bell Moore, wife of F. R. Moore, on the 11 day of Jan 1902 that there was born to her on said date a male child; that said child is now living and is said to have been
(male or female.)
named Roy L. Moore

WITNESSED TO MARK:

(Must be Two Witnesses.)

E. G. Pate M. D.

Subscribed and sworn to before me this 23 *day of* Jan 1902

G. F. Peak

My term expires Nov 2 1904 NOTARY PUBLIC.

The State of Texas,)
County of Fannin.) To any Judge of the District or County Court, Justice of the Peace, or Regularly licensed or ordained Minister of the Gospel, GREETING:-

You are hereby authorized to solemnize the rites of matrimony between W. C. Beal and D. E. Wingate, and make due return of this license to my office within sixty days, certified according to law.

Given under my hand and seal of office at Bonham this the Ist day of september, I883. J. H. Oliphint, Clerk County Court,
Fannin County.

I, W. L. Fuqua, a minister of the Cumberland Presbyterian Church hereby certify that I solemnized the rites of matrimony between W. C. Beal and Miss D. E. Wingate on the 2nd day of September, I883.

W. L. Fuqua.

Issued Sept. Ist, I883.
Recorded Sept. IIth, I883.



The State of Texas,)
County of Fannin.) I, T. F. Gray, County Clerk of Fannin County, Texas, do hereby certify that the foregoing is a true copy of the marriage license and the return thereon issued to W. C. Beal and D. E. Wingate, as is of record in Book 'E' page 5 of marriage records of Fannin County, Texas.

T. F. Gray, Co. Clerk. Fannin Co. Texas.
Per [illegible], Deputy.

V

Choctaw R-389

Muskogee, Indian Territory, April 7, 1902.

Ada Beal or Beals,

Cadde, Indian Territory.

Dear Madam:

It appears from the records of the Commission to the Five Civilized Tribes that you heretofore made personal application to the Commission for enrollment as a citizen of the Choctaw Nation.

You are notified that this application will be taken up for final consideration by the Commission at its office in Muskogee, Indian Territory, on Wednesday, the 14th day of May, 1902. On said date you may, if you so desire, appear before the Commission in person or by attorney and introduce additional testimony affecting your right to enrollment under the following provisions of the Act of June 28, 1898:

"Said Commission is authorized and directed to make correct rolls of the citizens by blood of each of the other tribes (than Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship."

The representatives of the Choctaw Nation may at the same time introduce additional testimony affecting your right to enrollment, provided they give you ten days previous notice of their intention to do so.

Yours truly,

T. B. Needles

Commissioner in Charge.

Choctaw R- 389

Muskogee, Indian Territory, April 7, 1902.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that from an examination of the 1896 Choctaw tribal rolls, in the possession of the Commission to the Five Civilized Tribes, it appears that the name of Annie Beals is enrolled thereon at page 38, No. 1242, whereon also appears the following notation: "Refused enrollment."

It appears from the records of the Commission that the said Annie Beal or Beals heretofore made personal application to the Commission for enrollment as a citizen of the Choctaw Nation in the cause entitled "Ada Beal et al vs. the Choctaw Nation", Choctaw R-389.

You are notified that this application will be taken up for final consideration by the Commission at its office in Muskogee, Indian Territory, on Wednesday, the 14th day of May, 1902. On said date you may introduce additional testimony affecting said applicant's right to enrollment as a citizen of the Choctaw Nation, provided ten days previous notice of your intention to do so has been given by you to said applicant.

M M n O

You are further notified that the said applicant will at the same time be given an opportunity to introduce additional testimony affecting her right to enrollment as a citizen of the Choctaw Nation.

Yours truly,

T.B. Needles

Commissioner in Charge.

Choctaw R-389

Muskogee, Indian Territory, April 7, 1902.

Annie Beals, or Beal,

Caddo, Indian Territory.

Dear Madam:

It appears from the records of the Commission to the Five Civilized Tribes that you heretofore made application to the Commission for enrollment as a citizen of the Choctaw Nation.

You are notified that this application will be taken up for final consideration by the Commission at its office in Muskogee, Indian Territory, on Wednesday, the 14th day of May, 1902. On said date you may, if you so desire, appear before the Commission in person or by attorney and introduce additional testimony affecting your right to enrollment under the following provisions of the Act of June 28, 1898:

"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes (than Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

"No person shall be enrolled who has not heretofore moved to and in good faith settled in the nation in which he claims citizenship."

The representatives of the Choctaw Nation may at the same time introduce additional testimony affecting your right to enrollment, provided they give you ten days previous notice of their intention to do so.

Yours truly,

T.B.Needles

Commissioner in Charge.

Y-E-167

Muskogee, Indian Territory, December 29, 1902.

Mrs. E. Moore,

Stilo, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 12th instant, in which you ask when the Commission will render a decision in regard to your case.

In reply to your letter you are advised that it appears from our records that you are an applicant for the enrollment of yourself and your son, Roy L. Moore, as citizens by blood of the Choctaw Nation.

No decision has yet been reached relative to your right to enrollment as such citizens and it is impossible at this time to say just when your name will be taken up for consideration and determination, but as soon as a decision is rendered you will be notified of the action taken by the Commission.

Very respectfully,

Acting Chairman.

Choctaw 1867
Choctaw 1896
Choctaw I 334,367

Muskogee, Indian Territory, April 3, 1903.

A. S. Wheeler,

Silo, Indian Territory,

Dear Sir:

Your letter of March 14, addressed to the Secretary of the Interior, has been by him referred to this Commission for consideration and appropriate action. You ask therein concerning the enrollment of the following persons: W. C. Beal, Mahala Beal, Adabelle Beal Moore, R. B. Beal Jr., and Johnie Beal.

In reply to your letter you are advised that it appears from our records that William C. Beal and his children, Mahala and John Beal, and Reuben Beal, son of Andrew and Martha Beal, have been enrolled by this Commission as citizens by blood of the Choctaw Nation and on February 4, 1903, their enrollment was approved by the Secretary of the Interior.

It further appears that Ada B. Beal Moore, Annie Beal and Johnie Beal are applicants to this Commission for enrollment as citizens by blood of the Choctaw Nation, but their final right to such enrollment has not yet been determined.

Respectfully,

Choctaw R 389

Muskogee, Indian Territory, April 24, 1903.

Ada E. Moore,

Silo, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of April 20, asking if you are now permitted to draw a ticket at the land office, and in reply you are advised that it appears from our records that your final right to enrollment in the Choctaw nation has not yet been determined, and your attention is invited to section fifteen of the rules and regulations of the Commission governing the selection of allotments and the designation of homesteads in the Choctaw and Chickasaw Nations, copy of which is herewith inclosed you.

As soon as a decision is reached in your case you will be notified of the action of the Commission.

Respectfully,

Commissioner in Charge.

Rules for allotment.

Muskogee, Indian Territory, July 15, 1905.

Ada Moore,

Silo, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of July 6, asking if it is advisable for you to buy any land for your allotment.

In reply to your letter you are informed that it appears from our records that Ada B. Moore, and her son, Roy L. Moore, and her sister, Annie Beal are applicants to this Commission for enrollment as citizens by blood of the Choctaw Nation, and their final rights to such enrollment have not yet been determined. As soon as a decision is reached in this case you will be notified of the action of the Commission.

You are further informed that until your case is reached for consideration and determination the Commission

A.M.---2

cannot render any opinion as to your probable right to enrollment and allotment.

Respectfully,

Commissioner in Charge.

Choctaw R 389

Muskogee, Indian Territory, October 31, 1903.

Ada Moore,

Silo, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of October 28, 1903, in which you state that it is your understanding that the Commission is holding up your case until the Citizenship Court has passed on the cases of court claimants, but that the Choctaw-Chickasaw Citizenship Court has nothing to do with your case, as you were admitted by an act of the Choctaw Council.

In reply to your letter you are informed that it appears from our records that Ada E. Moore is an applicant to this Commission for the enrollment of herself and her minor child, Roy L. Moore, claiming their right to such enrollment by virtue of an act of the Choctaw Council approved October 26, 1890, admitting Martha Beal and others to citizenship in the Choctaw Nation.

You are further informed that the Choctaw and Chickasaw Nations through their attorneys have filed a protest against the enrollment of any of the persons admitted to citizenship in the Choctaw Nation by the act of [redacted] referred to, until the Choctaw-Chickasaw Citizenship Court has passed upon the cases of other ap-

A M s

plicants now pending before it wherein the applicants claim the same ancestry and source of right.

The protest of the attorneys for the Choctaw and Chickasaw Nation has been transmitted to the Secretary of the Interior and pending action thereon by the Department the Commission does not feel justified in taking up for consideration and determination cases of this character.

Respectfully,

Commissioner in Charge.

Choctaw R 389

Muskogee, Indian Territory, February 26, 1904.

Ada Moore,

Silo, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your letter of February 23, asking if the last ruling of the Secretary of the Interior mean whites or Indians that were admitted to citizenship in the Choctaw and Chickasaw nations or all citizens that were admitted since the treaty of 1867.

In reply to your letter you are informed that the ruling of the Secretary of the Interior referred to in your letter included those persons who were admitted to citizenship in the Choctaw and Chickasaw nations by acts of the Choctaw Council and the Chickasaw Legislature and by the United States Indian Agent on appeal from adverse acts of the Choctaw Council.

Respectfully,

Commissioner in Charge

7-R-389

Muskogee, Indian Territory, October 15, 1904.

COPY.

Ada Bell Moore,

Ellis, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered October 15, 1904, granting the application for the enrollment of yourself, your minor child, Roy L. Moore and your sister, Annie Beal, as citizens by blood of the Choctaw Nation, included in the consolidated case of William Albert Beal, et al.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling you as citizens of the Choctaw Nation. If at the expiration of that time no protest has been filed, your names will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Tams Bixby.

Chairman.

Registered.

Incl. 7-R-389.

Choctaw 3546

Muskogee, Indian Territory, December 22, 1904.

Annie Beal(now Hunt)
Silo, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your letter of December 18, inclosing marriage certificate between J. A. Hunt and Annie Beal, of July 31, 1904, and requesting that your name be changed upon the roll from Beal to Hunt.

In reply to your letter you are advised that under the provisions of the act of Congress approved July 1, 1902, the rolls of the Choctaw and Chickasaw Nations closed as of September 25, 1902, the date of the final ratification by the Choctaw and Chickasaw Nations of that act, and the names to which persons were lawfully entitled at that time are the names under which they are enrolled and will receive allotments of land. It is, therefore, impracticable to comply with your request, and the marriage license and certificate inclosed with your letter are herewith returned.

Respectfully,

XB 2-22 Chairman.

Muskogee, Indian Territory, March 17, 1906.

Mrs Nell Moore,

Dibble, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of March 15, 1906, advising this office of your change of post office from Silo to Dibble Indian Territory and this change has been made a matter of record.

Respectfully,

Acting Commissioner.

Choc 5849

William T. Beal

Father on Choc 3560

Transferred from Choc #R. 386
Oct. 31, 1904

5849

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

In the enrollment of Andrew F. Beal as a Cherokee being sworn and examined by Commissioner McKennon he testifies as follows:

Q What is your name? A Andrew F. Beal.

Q What is your age? A Thirty.

Q Are you married? A Yes sir.

Q What is your wife's name? A Brown is her given name.

Q Is she a white woman? A Yes sir.

Q When did you marry her? A In 1888.

Q Have you children? A Yes sir.

Q What is the name of the oldest? A William T., 10 years old. He will be ten the first day of next January.

Q He was born, then on the first day of January, 1890?

A Yes sir.

Q That is all? A Mary M.

Q What is the date of her birth? A I couldn't tell you, she will be seven in June coming or last seven, I don't know; I believe it was the 3rd of last June she was seven years old.

Q Next one? A Martha J., she is four years old.

Q Next one? A Charles R., he is something over 15 months old.

Com'r McKennon: William T., having been born before the father was admitted, he cannot be enrolled; the others, Mary M., Martha J., and Charles R., will be enrolled.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, under my official oath as Stenographer to the above named Commission, that this transcript is a true and correct translation of my shorthand notes.

COPY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of William Albert Beal, et al., as citizens of the Choctaw Nation, consolidating the applications of--

William Albert Beal, et al.	7-R-18
Henry W. Marcum, et al.	7-D-568
Reuben Beal Jr., et al.	7-R-19
George Beal, et al.	7-D-719
Rosa Dills, et al.	7-R-75
Arthur Beal, et al.	7-R-384
John Peter Beal, et al.	7-R-386
Willie Gravitt, et al.	7-341?
Ada Bell Moore, et al.	7-R-389
William T. Beal	7-R-386

--: D E C I S I O N :--

It appears from the census card records of the Commission that on August 14, 1899 William Albert Beal appeared before the Commission and made personal application for the enrollment of himself and his two minor children, Samantha Beal and Eulah Beal, as citizens by blood of the Choctaw Nation; that on August 18, 1899 Henry W. Marcum appeared before the Commission and made personal application for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Cordelia Marcum, and their three minor children, Jesse Marcum, Claudie Marcum and Clarence Marcum, as citizens by blood, of the Choctaw Nation; that on August 14, 1899 Reuben Beal Jr. appeared before the Commission and made personal application for the enrollment of himself and his minor child, Cora Beal, as citizens by blood, and for the enrollment of his wife, Eliza Beal (now McCurry), as a citizen by intermarriage, of the Choctaw Nation; that on May 16, 1902 George Beal appeared before the Commission and made personal application for the enrollment of himself and his minor child, Millie Levana Beal, as citizens by blood of the Choctaw Nation; that on August 14, 1899 Rosa Dills appeared before the Commission and made personal application for the enrollment of herself and her minor child, Nora M. Dills, as citizens by blood of the Choctaw Nation; that on August 17, 1899 personal application was made to this Commission for the enrollment of Arthur Beal and Johnnie Beal as citizens

by blood of the Choctaw Nation; that on August 17, 1899 personal application was made to this Commission for the enrollment of John Peler Beal, Pony Beal and Roy May Beal as citizens by blood of the Choctaw Nation; that on August 15, 1899 personal application was made to this Commission for the enrollment of Willie Gravitt, Phelan Gravitt and Andy Gravitt as citizens by blood of the Choctaw Nation; that on August 16, 1899 personal application was made to this Commission for the enrollment of Ada Bell Beal (now Moore) and Annie Beal as citizens by blood of the Choctaw Nation; that on August 17, 1899 personal application was made to this Commission for the enrollment of William T. Beal as a citizen by blood of the Choctaw Nation and that written applications were made to this Commission for the enrollment of William D. Beal, Lulu Marcum, Benj. Lee Beal, Lether Lee Dills and Roy L. Moore, as citizens by blood of the Choctaw Nation on September 23, 1901, October 28, 1901, November 25, 1902, September 23, 1901 and May 16, 1902, respectively. The applications of those persons whose names are mentioned in the record herein and whose rights are not passed upon in this decision have heretofore been disposed of by the Commission.

It appears from the record herein and the census card records of the Commission that the applicants, William Albert Beal, Cordelia Marcum, Reuben Beal Jr., George Beal, Rosa Dills, Arthur Beal and Johnnie Beal, are the offspring of the marriage of Mary Beal, a white woman having no rights of Choctaw citizenship by blood, and Reuben Beal, who was admitted to citizenship in the Choctaw Nation by an act of the General Council of said nation, approved October 25, 1890, and whose name appears as number 9635 upon the lists prepared by this Commission under the act of Congress approved July 1, 1902 (32 Stat., 641), of persons entitled to enrollment as citizens by blood of the Choctaw Nation and approved by the Secretary of the Interior on February 4, 1903; that the applicants, John Peler Beal, Pony Beal and Roy May Beal, are the offspring of the marriage of Allsey Beal, a white woman having no rights of Choctaw citizenship by blood, and Pinkney Beal, who was admitted to citizenship in the Choctaw Nation by said act of the General Council of said nation, above referred to, and whose name appears as number 9931 upon the lists prepared by this Commission under said act of Congress approved July 1, 1902, of persons entitled to enrollment as citizens by blood of the Choctaw Nation and approved by the Secretary of the Interior on February 4, 1903; that the applicants, Willie Gravitt, Phelan Gravitt and Andy Gravitt, are the offspring of the marriage of John Gravitt, a white man having no rights of Choctaw citizenship by blood, and Maggie Gravitt (nee Beal), who was admitted to citizenship in the Choctaw Nation by said act of the General Council of said nation, above referred to, and whose name appears as number 9748 upon the lists prepared by this Commission under said act of Congress approved July 1, 1902, of persons entitled to enrollment as citizens by blood of the Choctaw Nation and approved by

the Secretary of the Interior on February 4, 1903; that the applicants, Ada Bell Moore and Annie Beal, are the offspring of the marriage of Donnie Beal, a white woman having no rights of Choctaw citizenship by blood, and William C. Beal, who was admitted to citizenship in the Choctaw Nation by said act of the General Council of said nation, above referred to, and whose name appears as number 9954 upon the lists prepared by this Commission under said act of Congress approved July 1, 1902, of persons entitled to enrollment as citizens by blood of the Choctaw and approved by the Secretary of the Interior on February 4, 1903; that the applicant, William T. Beal, is the offspring of the marriage of Brown Beal, a white woman having no rights of Choctaw citizenship by blood and Andrew P. Beal, who was admitted to citizenship in the Choctaw Nation by said act of the General Council of said nation, above referred to, and whose name appears as number 10095 upon the lists prepared by this Commission under said act of Congress approved July 1, 1902, of persons entitled to enrollment as citizens by blood of the Choctaw Nation and approved by the Secretary of the Interior on February 4, 1903; that the applicants, Samantha Beal, Bulah Beal and William D. Beal, are the offspring of the marriage of the applicant, William Albert Beal, and Sallie Beal, a white woman having no rights of Choctaw citizenship by blood; that the applicants, Jesse Marcum, Claudie Marcum, Clarence Marcum and Lulu Marcum, are the offspring of the marriage of the applicants, Reuben Beal Jr. and Eliza McCurry (formerly Beal); that the applicant, Benj. Lee Beal, is the offspring of the marriage of the applicant, Reuben Beal Jr., and Mosie Beal, a white woman having no rights of Choctaw citizenship by blood; that the applicant, Millie Levana Beal, is the offspring of the marriage of the applicant, George Beal, and Ada Beal, a white woman having no rights of Choctaw citizenship by blood; that the applicants, Nora M. Dills and Lether Lee Dills, are the offspring of the marriage of the applicant, Rosa Dills, and E. G. Dills, a white man having no rights of Choctaw citizenship by blood; and that the applicant, Roy L. Moore, is the offspring of the marriage of the applicant, Ada Bell Moore, and F. B. Moore, a white man having no rights of Choctaw citizenship by blood.

It further appears from the record herein that the applicants, William Albert Beal, Cordelia Marcum, Reuben Beal Jr., George Beal, Rosa Dills, Arthur Beal, Johnnie Beal, John Peler Beal, Pony Beal, Roy May Beal, Willie Gravitt, Phelan Gravitt, Andy Gravitt, Ada Bell Moore, Annie Beal and William T. Beal, were living on October 25, 1890, the date of the approval of said act of the General Council of the Choctaw Nation admitting their parents to citizenship in said nation, and that their names are not mentioned in said act of admission.

It appears from an examination of the tribal rolls in the possession of the Commission that the applicants, William Albert Beal, Samantha Beal, Cordelia Marcum, Jesse Marcum, Reuben Beal Jr., George Beal, Rosa Dills, Arthur Beal, Johnnie

Beal, John Peter Beal, Pony Beal, Roy May Beal, Willie Gravitt, Phelan Gravitt, Andy Gravitt, Ada Bell Moore, Annie Beal and William T. Beal, are identified upon the 1893 Choctaw Leased District Payment Roll, Blue County, numbers 61, 62, 786, 789, 54, 55, 56, 56, 57, 151, 152, 154, 507, 506, 505, 76, 77 and 153, respectively; and that the applicants, William Albert Beal, Samantha Beal, Cordelia Marcum, Jesse Marcum, Claudie Marcum, Reuben Beal Jr., George Beal, Rosa Dills, Arthur Beal, Johnnie Beal, John Peter Beal, Pony Beal, Roy May Beal, Willie Gravitt, Phelan Gravitt, Andy Gravitt, Ada Bell Moore, Annie Beal and William T. Beal, are identified upon the 1896 Choctaw Census Roll, numbers 1564, 1574, 8897, 8900, 8901, 1565, 1566, 1567, 1568, 1569, 1625, 1626, 1627, 4866, 4867, 4868, 1541, 1542 and 1546, respectively; said applicants being enrolled on said rolls as citizens by blood of said nation. The applicants, Bulah Beal, William D. Beal, Clarence Marcum, Lulu Marcum, Cora Beal, Benj. Lee Beal, Millie Levana Beal, Nora M. Dills, Luther Lee Dills and Roy L. Moore, having been born subsequent to the preparation of said 1896 Choctaw Census Roll, are identified by proper birth certificates, filed with and made a part of the record in this case.

It further appears from the record herein that the applicant, Henry W. Marcum, a white man, was first married to the applicant, Cordelia Marcum (nee Beal), under the laws of the State of Texas about 1892; that subsequently, on August 13, 1899, said parties were married in accordance with the laws, customs and usages of the Choctaw Nation; that at the time of said last mentioned marriage both of said parties were residents in good faith of the Choctaw Nation and that they lived together continuously in said nation as husband and wife from the date of said last mentioned marriage up to and including September 25, 1902.

It further appears from the record herein that the applicant, Eliza McCurry, a white woman, was on August 30, 1896 lawfully married to the applicant, Reuben Beal Jr.; that at the time of said marriage both of said parties were residents in good faith of the Choctaw Nation; that they lived together continuously as husband and wife from the date of said marriage until about January, 1898, when they separated and were divorced on August 15, 1900; that on September 25, 1900 the applicant, Eliza McCurry, was lawfully married to Walter McCurry, a white man having no rights of Choctaw citizenship by blood; and that the said Eliza McCurry had been a resident in good faith of the Choctaw Nation from the date of her said marriage with the said Reuben Beal Jr. up to and including September 25, 1902.

It further appears from the record in this case that all the applicants herein, who were then living, were on June 28, 1898 residents in good faith of Indian Territory.

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of James M. Buckholts, et al. (I.T.D. 6490-1905), William Albert Beal, Samantha Beal, Bulah Beal, William D. Beal, Cordelia Marcum, Reuben Beal Jr., Claudie Marcum, Jesse Marcum, Clarence Marcum, Lulu Marcum, Cora Beal, Benj. Lee Beal, George Beal, Millie Levana Beal, Rosa Dills, Nora M. Dills, Luther Lee Dills, Arthur

[redacted] provisions of the act of Congress approved June 28, 1898 (30 Stat., 495) and July 1, 1902 (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tams Bixby.
Chairman.

T. B. Needles.
Commissioner.

C. R. Breckinridge.
Commissioner.

Muskogee, Indian Territory,

OCT 15 1904

The State of Texas }
County of Fannin. }

To any Judge of the District, County, Justice of the Peace, or Regularly Licensed or Ordained Minister of the Gospel — Greeting:

You are hereby authorized to solemnize the Rites of Matrimony between A. P. Beal and Miss Drawn Woods and make due return of this License to my office within sixty days certified, according to Law.

Given under my hand and seal of office at Bonham this the 7th day of May 1888.

J. G. Nabb
Clerk County Court Fannin County

I, R. R. Nelson, a Minister of the Gospel hereby certify that I solemnized the Rites of Matrimony between A. P. Beal and Drawn Woods on the 13th day of May 1888.

R. R. Nelson

Issued May 7th 1888.
Recorded July 18th 1888.

600—CERTIFICATE OF TRUE COPY—Class 1. Sold by GAST, St. Louis, Mo.

THE STATE OF TEXAS, } I, J. G. Gray Clerk
County of Fannin }
of the County Court of Fannin County, Texas, do hereby certify that the foregoing is a true and correct copy of the original Marriage Record of A. P. Beal to Drawn Woods on Page 456 Book D Marriage Records Fannin Co now on file in said [redacted].

GIVEN UNDER MY HAND and the seal of said Court, at office in Bonham this 25th day of Aug 1899

J. G. Gray Clerk.
By C. C. Ingersol Deputy.

St. Louis.

Muskogee, Indian Territory, October 17, 1900.

Mr. Tams Bixby,

Saint Paul, Minnesota.

My dear Mr. Bixby:

I enclose you herewith, a draft of a letter to Mr. Andy P. Beal, answering an inquiry in a letter of his of recent date, in which he inquires if he can enroll his boy which was rejected in 1899.

Andrew P. Beal was admitted to citizenship in the Choctaw Nation by an act of the National Council, approved October 26th, 1890 but there is not in the possession of the Commission either the original or certified copy of the act of Council admitting Mr. Beal and the only mention of such fact is upon the card on which he is enrolled. When he appeared before the Commission at Durant on August 17th, 1899, he made application for the enrollment of himself and of his four children, William T., Mary M., Martha J. and Charles R. Beal. There was offered in evidence the marriage license and certificate of himself and Drew Woods, the mother of these four children and Commissioner McKennon rendered a judgment at that time enrolling Andrew P. Beal by virtue of the act of the National Council of the Choctaw Nation and his three children, Mary M., Martha J. and Charles R. Woods, aged respectively seven, four and one year of age, these children having been born subsequent to the admission of the father by the Act of the National Council of the Choctaw Nation. Commissioner McKennon refused the enrollment

of the eldest child, William T. Beal, who was born in January 1860, for the reason that this child was living at the time the father, Andrew P. Beal, was admitted to citizenship in the Choctaw Nation by the act of the National Council.

The name of the father, Andrew P. Beal, of the eldest child, William T. Beal whose enrollment was refused by Commissioner McKennon, and the two children Mary M. and Martha J. Beal appear upon the 1896 census roll of the Choctaw Nation, recognized by the Choctaw authorities as citizens by blood of that Nation.

The last child, Charles R. Beal, was born subsequent to the preparation of the 1896 roll of the tribal authorities and was listed for enrollment by this Commission upon the presentation of the proper affidavits of his birth.

You will notice in the letter addressed Mr. Beal that the Commission states that if he desires to further prosecute the claim of his son, William T. Beal, for enrollment as a citizen of the Choctaw Nation, the Commission will hear his oral testimony in behalf of this child at the office in Muskogee prior to November 1st, 1900. As you will remember that in many of these cases which were heard by Commissioner McKennon in the summer of 1899, the testimony is very meager and there is certainly not in this case a sufficient record upon which to go before the Department. It would appear that the Commission identified the father and these children from the 1896 roll as having been enrolled and acknowledged by the Choctaw authorities as citizens, which would be sufficient unless the question was raised as to their admission by the act of the National Council. As previously stated, there is not with the records of the Commission the act of Council admitting the father

T. R. 21.

and it seems unreasonable that this eldest child should be refused without the evidence of the admission of the father when the child had been recognized by the authorities of the Choctaw Nation.

You will see that this will establish a precedent which will possibly entail the Commission in a great deal of work and rehearing of cases of applicants who were rejected in 1898 and 1899.

Previous to this time the Commission has informed all applicants whose cases had in any manner been refused by the Commission that such, while not final, could not be reconsidered by the Commission but that the applicant could have his case presented to the Secretary of the Interior for his consideration when the final rolls of the Choctaw Nation are sent to him for review.

Will you kindly instruct us if you consider the letter as prepared to Mr. Beal as a suitable one to be sent from this office and for the establishment of a precedent.

Yours truly,

7-R-386

Enc

Muskogee, Indian Territory, October 17, 1900.

Andy P. Beal,

Utica, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of recent date enclosing the application for enrollment as a citizen by blood of the Choctaw Nation of Hugh L. Beal, the infant son of Andrew P. and Brown Beal, born September 1st, 1900.

The same being in proper form has been duly filed with the records of this Commission and the child listed for enrollment as a citizen by blood of the Choctaw Nation.

You request in your letter to be informed if you can enroll your son that was rejected in 1899.

In the matter of the application for the enrollment of your son, William T. Beal, the records of this Commission show that at Durant, Indian Territory, on August 17th, 1899, you made applications for the enrollment of yourself and of your children William T., Mary M., Martha J. and Charles R. Beal, claiming your right to enrollment by an act of the Choctaw Council, approved October 26th, 1890. The Commission refused to enroll your child, William T. Beal, for the reason that he was living at the time that you were admitted to citizenship in the Choctaw Nation by the act of the National Council of that Nation but that his name was not included in the act admitting you.

If you desire to have the claim of your son, William T. Beal, further presented to the Commission, the Commission will hear

A. F. M. S.

an application made by [illegible] provided the same [illegible]

Acting Chairman

T-R-386

Choctaw R-386.

Muskogee, Indian Territory, April 7, 1902.

William Turner Reals, or Beal,

Caddo, Indian Territory.

Dear Sir:

It appears from the records of the Commission to the Five Civilized Tribes that you heretofore made personal application to the Commission for enrollment as a citizen of the Choctaw Nation.

You are notified that this application will be taken up for final consideration by the Commission at its office in Muskogee, Indian Territory, on Wednesday, the 14th day of May, 1902. On said date you may, if you so desire, appear before the Commission in person or by attorney and introduce additional testimony affecting your right to enrollment under the following provisions of the Act of June 28, 1898:

"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes (than Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

"No person shall be enrolled who has not heretofore moved to and in good faith settled in the nation in which he claims citizenship."

The representatives of the Choctaw Nation may at the same time introduce additional testimony affecting your right to enrollment, provided they give you ten days previous notice of their intention to do so.

Yours truly,

T. B. Needles

Commissioner in Charge.

Choctaw R-386

Muskogee, Indian Territory, April 7, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that from an examination of the 1896 Choctaw tribal rolls in the possession of the Commission to the Five Civilized Tribes it appears that the name of William Turner Beals is enrolled thereon at page 38, No. 1546; whereon also appears the following notation: "Refused enrollment."

It appears from the records of the Commission that the said William Turner Beals or Beal heretofore made personal application to this Commission for enrollment as a citizen of the Choctaw Nation in the cause entitled "William Turner Beal vs. the Choctaw Nation", Choctaw R-386.

You are notified that this application will be taken up for final consideration by the Commission at its office in Muskogee, Indian Territory, on Wednesday, the 14th day of May, 1902. On said date you may introduce additional testimony affecting said applicant's right to enrollment as a citizen of the Choctaw Nation, provided ten days previous notice of your intention to do so has been given by you to said applicant.

You are further notified that the said applicant will at the same time be given an opportunity to introduce additional testimony affecting his right to enrollment as a citizen of the Choctaw Nation.

Yours truly,

T.B.Needles

Commissioner in Charge.

7-R-396.

Muskogee, Indian Territory, October 15, 1904.

COPY.

Andrew F. Beal,

Utica, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered October 15, 1904, granting the application for the enrollment of your child William T. Beal by blood of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling him as a citizen of the Choctaw Nation. If at the expiration of that time, no protest has been filed his name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Tams Bixby.

Chairman.

Registered.

Inal. 7-R-396.

Choc 5850

Jacob Meek

Transferred from Choc #5320

Oct. 31, 1904

5850

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment as citizens by blood of the Choctaw Nation of--

JACOB MERK,ET AL. 7-5320.

7-5320

~~Choctaw Chick. Card~~ C. 91

IN RE application of Jacob Meek and others.

vs. [illegible] McKennon,

Jacob Meek says:

I am 56. I am father pf James H. and Calvin W. Meek, admitted by Dawes Commission December 2nd 1896.

I have lived for 6 years where I now reside in the Chickasaw Nation. I live near Elmore.

I came from Texas. I have never lived in the Choctaw Nation.

I have lived continuously in the Chickasaw Nation since I first came.

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Jacob Meek, James H. Meek and Calvin W. Meek as citizens by blood of the Choctaw Nation, Choctaw Field No.5320.

We hereby request, on behalf of the Choctaw and Chickasaw Nations, that no further action be taken in connection with allotment of lands to these persons until final decision by the Choctaw and Chickasaw Citizenship Court in the case of Julia London, et al., vs. Choctaw and Chickasaw Nations, No.55 on the South McAlester Docket, in which the said court will decide the question of what compliance, by the applicants or their ancestors, with the third or the fourteenth articles of the treaty of 1830 was necessary in order to be entitled to enrollment and to participation in the distribution of tribal property of the Choctaws and Chickasaws, which question is involved in the case to which this communication refers.

This request is filed under authority granted by the Honorable Secretary of the Interior in his communication to the Commission to the Five Civilized Tribes upon the subject, dated November 18, 1903.

Mansfield McMurray & Gravit
Attorneys for the Choctaw & Chickasaw Nations.

January 23, 1904.

7-5320.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Jacob Meek, James H. Meek and Calvin W. Meek as citizens by blood of the Choctaw Nation.

--: D E C I S I O N :--

It appears from the census card record in this case that on September 15, 1898 Jacob Meek appeared before the Commission and made personal application for the enrollment of himself and his children, James H. Meek and Calvin W. Meek, as citizens by blood of the Choctaw Nation.

It appears from the records of the Commission that on September 5, 1896 in the case entitled "Jacob Meek, et al. vs. Choctaw Nation." (1896 Choctaw Citizenship Docket, case number 373), Jacob Meek, the principal applicant herein, made original application to this Commission under the provisions of the act of Congress approved June 10, 1896 (29 Stat., 321) for the admission of himself and his children, James H. Meek and Calvin W. Meek, to citizenship in the Choctaw Nation as citizens by blood of said nation and on December 2, 1896 the said Jacob Meek, James H. Meek and Calvin W. Meek were by this Commission admitted to citizenship in the Choctaw Nation as citizens by blood thereof, from which decision of the Commission an appeal was taken to the United States Court, Central District, Indian Territory, which Court, in citizenship case number 189, on September 3, 1897, dismissed said appeal for the reason that same was not prosecuted within the time fixed by law.

It appears that all of the applicants herein were residents in good faith of Indian Territory on June 28, 1898, all applicants listed upon census cards in 1898 having been first examined as to such fact, although their testimony was not reduced to writing.

It is, therefore, the opinion of this Commission that Jacob Meek, James H. Meek and Calvin W. Meek should be enrolled as citizens by blood of the Choctaw Nation in accordance with the provisions of the acts of Congress approved June 28, 1898 (30 Stat., 495) and July 1, 1902 (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

C. R. Breckinridge.
Commissioner.

Muskogee, Indian Territory,

OCT 15 1904

COPY. 7-6320.

Muskogee, Indian Territory, October 15, 1904.

Jacob Meek,

Meek, Indian Territory.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered October 15, 1904, granting the application for the enrollment of yourself and your two sons, James H. and Calvin W. Meek, as citizens by blood of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling you and your two sons as citizens of the Choctaw Nation. If at the expiration of that time no protest has been filed, these names will be placed upon the final rolls of the citizens of the Choctaw Nation be to submitted to the Secretary of the Interior for his approval.

Respectfully,

Tams Bixby

Chairman.

Register.

Enel. 7-6320

COPY.

7-6320.

Muskogee, Indian Territory, October 15, 1904.

Riley & Cotner,

Attorneys-at-Law,

Tishomingo, Indian Territory.

Gentlemen:

You are hereby notified that the Commission to the Five Civilized Tribes, on October 15, 1904, rendered its decision granting the application for the enrollment of Jacob Meek and his two sons, James R. and Calvin W. Meek, as citizens by blood of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said persons as citizens of the Choctaw Nation. If at the expiration of said time no protest has been filed, their names will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Tams Bixby

Chairman.

Registered.

COPY. 7-5320.

Muskogee, Indian Territory, October 15, 1904.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of this Commission, rendered October 15, 1904, granting the application for the enrollment of Jacob Meek and his two sons, James H. and Calvin W. Meek, as citizens by blood of the Choctaw Nation.

You are hereby notified that you will be allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling the above named persons as citizens of the Choctaw nation. If at the expiration of said time no protest has been filed, these names will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Tams Bixby

Chairman.

Registered. For registry receipt

Encl. 7-5320. see 7-D-447.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Record in the matter of the application for the enrollment as a citizen by intermarriage of the Choctaw Nation of

Ada Meek

7-D-691.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, December 4, 1901.

In the matter of the application of Ada Meek for enrollment as an intermarried citizen of the Choctaw Nation.

Ada Meek being first duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Ada Meek.
Q How old are you? A 22.
Q What is your post office address? A Maxwell, Indian Territory.
Q What nation? A Chickasaw.
Q Do you live in the Chickasaw Nation? A Yes.
Q How long have you lived in the Chickasaw Nation? A About 12 years.
Q Have you maintained a continuous residence there for that length of time? A Yes.
Q Where did you live before that? A I lived in Texas.
Q Were you born in Texas? A No.
Q Where did you live before you lived in Texas? A Lived all over the country pretty near. We lived in Kansas; that's where I was born.
Q What is your father's name? A Lorenzo Dell Meek.
Q Is your father living? A No.
Q What is your mother's name ? A Liza Jane Meek.
Q Is your mother living? A Yes.
Q Are your parents both white people? A Yes.
Q Are they citizens of the United States? A Yes.
Q Have either of your parents ever been recognized in any manner or ever made application to be recognized as citizens by blood of any tribe of Indians? A No.
Q Do you claim any rights as a citizen by blood of any tribe of Indians? A No.
Q You are a white woman? A Yes.
Q You are making application at this time to be enrolled as a citizen by intermarriage of the Choctaw Nation? A Yes.
Q What is the name of your husband? A James H. Meek.
Q Is he a citizen by blood of the Choctaw Nation? A Yes.
Q Has he always been recognized and enrolled as such? A Yes.
Q Has he been enrolled by this Commission as a citizen of the Choctaw Nation? A Yes.

The records of the Commission examined and the name of James H. Meek, 22 years of age is found upon Choctaw roll card number 6320 where he was listed on September 15, 1898. He was admitted to citizenship in the Choctaw Nation by the Dawes Commission on December 2, 1896; the case was appealed by the Choctaw Nation to the United States Court for the Central District of the Indian Territory; the appeal dismissed September 3, 1897 court case No. 189.

Q Where did you marry James H. Meek? A Chickasha.
Q When? A September 3, '98.
Q Who married you? A Brother Scott.
Q A minister of the Gospel? A A minister of the Gospel.

Q At the time you were married where did your husband live - in what nation? A Chickasaw.
Q How long had he lived in the Chickasaw Nation? A About nine years I guess.
Q Where had he lived before that? A In Texas.
Q Did you obtain a license to marry James H. Meek? A Yes sir.
Q Have you your marriage license? A Yes.

L. P. Hudson, attorney for applicant asks leave to file marriage license; same is made part of the record in this case.

Leave is granted attorney for applicant to file marriage license and certificate and there is offered in evidence marked Exibit A., filed and made part of the record in this case marriage license issued by C. M. Campbell Leark of the United States Court for the Southern District of the Indian Territory to James H. Meek to marry Miss Ada Meek, attached thereto being a certificate of L. S. Scott as to the marriage of James H. Meek and Ada Meek on the 3rd day of September 1899, said marriage license and certificate being recorded in book D. of marriage records page 285, United States Court for the Southern District of Indian Territory.

Q Are you any relation to James H. Meek? A Yes.
Q What ? A Second cousin.
Q Were you ever married to anyone else? A No.
Q Was your husband ever married before he married you? A No.
Q Is this licenase issued by the Clerk of the United States Court for the Southern District of Indian Territory the only license that was ever granted to you to marry James H. Meek? A Yes.
Q Are you and your husband living together as man and wife? A Yes.
Q Have you lived together as man and wife continously since you were married? A Yes.
Q Did you ever apply to the tribal authorities of the Chickasaw Nation for a license to marry James H. Meek? A No.
Q Did you ever obtain a license from the Choctaw tribal authorities to marry James H. Meek? A No.
Q Did you ever make application to the tribal authorities of either of those two nations for such a license? A No.

James H. Meek being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A James H. Meek.
Q How old are you? A I am 25.
Q What is your post office address? A Maxwell.
Q What Nation? A Chickasaw.
Q How long have you lived in the Chickasaw Nation? A Well since I come here last time I lived here about nine years .
Q Where did you live prior to that time? A Texas.
Q How long did you live in Texas? A Well it's somewhere along - about six or eight or nine years.
Q Where did you liv e before that? A Lived in the Indian Territory.
Q Born in the Indian Territory? A No born in Texas.
Q Have you ever lived in the Choctaw Nation? A No.

James H. Mack 2

Q What is the name of your father? A Jacob Mack.
Q What is the name of your mother? A Sarah Mack.
Q Are you a citizen by blood of the Choctaw Nation? A Yes.
Q Have you always been recognized as a citizen by blood of the Choctaw Nation? A No.
Q Since when have you been recognized as a citizen by blood of the Choctaw Nation? A '96.
Q How were you recognized? A I dont understand the question.
Q How did you become a citizen of the Choctaw Nation in '96. A I was enrolled by the Dawes Commission.

Clara Mitchell Wood being first duly sworn upon her oath states that as Stenographer for the Commission to the Five Civilized Tribes she reported the proceedings had in the above entitled matter on the 4th day of December 1901 and that the above and foregoing is a true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 4th day of December 1901.

Tams Bixby

Notary Public.

Certificate of Record of Marriage.

UNITED STATES OF AMERICA,
THE INDIAN TERRITORY,
SOUTHERN DISTRICT. } sct.

I, C. M. CAMPBELL, Clerk of the United States Court in the Territory and District aforesaid, DO HEREBY CERTIFY, that the License for, and Certificate of Marriage of Mr. Leo H. Meek and Mrs Ada Meek were filed in my office in said Territory and District the 11 day of Sept A. D. 1899, and duly recorded in Book 20 of Marriage Record, page 285

WITNESS my hand and seal of said Court, at Ardmore, this 22 day of Sept A. D. 1899

C M Campbell Clerk.

Ardmorite Power Print, Ardmore, I. T.

FILED
SEP 11 1899
C. M. CAMPBELL, Clerk.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
DEC 4 1901



MARRIAGE LICENSE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
SOUTHERN DISTRICT. } ss: To Any Person Authorized by Law to Solemnize Marriage—Greeting:

You are Hereby Commanded, *To solemnize the Rite and publish the Banns of Matrimony between*

Mr. James H. Mook, *of* Chickasha,

in the Indian Territory, aged twenty-two *years, and*

Miss Ada Mook, *of* Chickasha,

in the Indian Territory, aged twenty *years,*

according to law, and do you officially sign and return this License to the parties therein named.

Witness my hand and official seal, this first *day*

of September, *A. D. 189*9.

By J W Greaves Deputy. C. M. Campbell,
Clerk of the United States Court.

Certificate of Marriage.

UNITED STATES OF AMERICA,
THE INDIAN TERRITORY,
SOUTHERN DISTRICT. } ss.

I, L. D. Scott
a Minister of the gospil
do hereby certify, that on the 3 day of September A. D. 1899, I did duly and according to law, as commanded in the foregoing License, solemnize the Rite and publish the Banns of Matrimony between the parties therein named.

WITNESS my hand, this 3 day of September A. D. 1899

My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Southern District, at Ardmore, Book A, Page 255.

Rev L. D. Scott
a Minister of the gospil

NOTE (a)—This License and Certificate of Marriage must be returned to the office of the Clerk of the United States Court in the Indian Territory, at Ardmore, within sixty days from the date thereof, or the party to whom the License was issued will be liable in the amount of One Hundred Dollars. (Sec.)

NOTE (b)—No person is authorized to perform the Marriage Ceremony in the Southern District, unless the proper credentials have first been recorded in the Clerk's office.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Choctaw D-691.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 5, 1902.

Ada Meeks,

Maxwell, Indian Territory.

You are hereby notified that the application of yourself for enrollment as a citizen of the Choctaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 15th day of April, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

Register.

T. B. Needles.

Commissioner in Charge.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, April 15, 1902.

In the matter of the application of **Ada Meek** for enrollment as a citizen of the Choctaw Nation.	D-691.

On the 5th day of March, 1902, the applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were also notified by registered mail that the application of Ada Meek for enrollment as a citizen of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory on the 15th day of April, 1902, for final consideration.

Now on this 15th day of April, 1902, this cause coming on to be heard, pursuant to said notice, the Choctaw Nation failed to appear, and the applicant, being called, failed to appear either in person or by attorney.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on April 15, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of April, 1902.

Hal Belford

Subscribed and sworn to before me this 18 day of April, 1902.

Notary Public.

7-D-691.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, IND. TER. JANUARY 5, 1905.

In the matter of the application for the enrollment of Ada Meek as a citizen by intermarriage of the Choctaw Nation.

Ada Meek being first duly sworn testifies as follows:

Examination by the Commission:

Q What is your name? A Ada Meek.
Q What is your post office address? A Fartis, Choctaw Nation.
Q How old are you? A Twenty-six.
Q You are a white woman are you? A Yes, sir.
Q You claim no rights at all as a citizen by blood? A No sir.
Q Neither you nor your parents? A No, sir.
Q Do you claim rights in the Choctaw Nation? A Yes, sir.
Q How do you claim your rights? A Intermarriage.
Q What is the name of the Choctaw Indian through whom you claim your rights? A James H. Meek
Q Is he a Choctaw by blood? A Yes, sir.
Q When were you married to him? A September 3, 1899.
Q By whom were you married? A Scott I believe.
Q Was he a minister of the gospel? A Yes, sir.
Q At the time of your marriage to James Meek where did you reside? A Chickasaw Nation.
Q At the time where was your husband a resident of? A Chickasaw Nation.
Q Were you married to him under a tribal license? A No, sir.
Q What kind of a license were you married under? A United States.
Q Were you ever married to him any other way than under the United States license? A No, sir.
Q Just the one you have mentioned? A Yes, sir.
Q Since your marriage to him where have you lived? A Some times lived in the Chickasaw and some times in the Choctaw.
Q Has there been any separation, abandonment or divorce? A No, sir.
Q Have you and he lived together as husband and wife up to the present time? A Yes, sir.
Q How many times have you been married? A Just once.
Q Is James Meek your first husband? A Yes, sir.

Witness excused.

James H. Meek being first duly sworn testifies as follows:

Examination by the Commission:

7-D-691--8.

Q What is your name? A James H. Meek.
Q Are you a Choctaw by blood? A Yes, sir.
Q What is your post office address? A Ferris, Choctaw Nation.
Q What relation is Ada Meek to you? A My wife.
Q When were you married to her? A September 3, 1899.
Q At the time of your marriage to her where were you living? A Chickasaw Nation.
Q Were you married prior to your marriage to Ada Meek? A No She is my first wife.
Q Since your marriage to her where have you lived? A Chickasaw Nation and Choctaw Nation mostly in the Chickasaw.
Q Have you lived outside of the Choctaw-Chickasaw country since you were married? A No, sir.
Q You were married to her under United States license? A Yes, sir.
Q Never married under Chickasaw license? A No, sir.

Witness excused.

Ada Meek recalled testifies as follows:

Q What was your maiden name? A Meek.

James H. Meek the Choctaw husband through whom the applicant claims her right to enrollment is identified on Choctaw field card #3850 and is numbered 15780 upon the lists prepared by this Commission of persons entitled to enrollment as citizens by blood of the Choctaw Nation and approved by the Secretary of the Interior December 2, 1904.

Q Were you ever an applicant before this Commission as a citizen by blood of the Choctaw or Chickasaw Nation? A No, sir.
Q Are you and James H. Meek related except by marriage? A Yes, sir.
Q What relation? A Second cousins.

Witness excused.

Chas. T. Difendafer being first duly sworn states that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Chas. T. Difendafer

Subscribed and sworn to before me this 11th day of January 1906.

7-D-691.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application of Ada Meek for enrollment as a citizen by intermarriage of the Choctaw Nation.

--: D E C I S I O N :--

It appears from the record herein that on September 3, 1899, the applicant, Ada Meek, was lawfully married to James H. Meek, a recognized and enrolled citizen by blood of the Choctaw Nation, whose name appears as No. 15738 upon the lists prepared by this Commission under the Act of Congress approved July 1, 1902, (32 Stat., 641), of persons entitled to enrollment as citizens by blood of the Choctaw Nation, and approved by the Secretary of the Interior on December 2, 1904; that at the date of said marriage both persons above mentioned were residents in good faith of the Chickasaw Nation, and that they lived together as husband and wife in the Choctaw-Chickasaw country continuously since said date up to and including September 25, 1902.

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of Ella Jones, (I.T.D.6818-1904) Ada Meek should be enrolled as a citizen by intermarriage of the Choctaw Nation, in accordance with the provisions of the Acts of Congress approved June 28, 1898, (30 Stat., 495) and July 1, 1902, (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

FEB 7 - 1905

Choctaw 2-691.

COPY.

Muskogee, Indian Territory, February 7, 1905.

Ada Meek,

Parris, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered February 7, 1905, granting your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of the decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling you as a citizen of the Choctaw Nation. If at the expiration of that time, no protest has been filed, your name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Tams Bixby

Chairman.

Registered.
Incl. 1-2-691.

Choctaw D-691.

COPY.

Muskogee, Indian Territory, February 7, 1905.

Chilton Miley,
Attorney at Law,
Tishomingo, Indian Territory.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes on February 7, 1905, rendered its decision granting the application for the enrollment of Ada Meek as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of the decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If at the expiration of that time, no protest has been filed, her name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

[redacted]
Tams Bixby
Chairman.

Registered.

Choctaw D-691.

COPY.

Muskogee, Indian Territory, February 7, 1906.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission, rendered February 7, 1906, granting the application for the enrollment of Ada Mack as a citizen by intermarriage of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, her name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Tams Bixby
Chairman.

Registered.
Incl. 7-D-691.

See Choctaw 1880 for registry receipt for this letter.

Muskogee, IndianTerritory, February 19, 1901.

Grigsby & Grigsby,

Attorneys at Law,

Center, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 11th instant in which you desire to be informed as to the action of the Commission upon the application of Jacob Meeks claiming right to enrollment as a citizen of the Chickasaw or Choctaw Nation.

Replying to your inquiry you are informed that the records of the Commission show that under the act of Congress of June 10th 1896, an application was filed for citizenship in the Choctaw Nation by Jacob Meeks for himself and his two sons, James N. and Calvin W. Meeks. On December 2nd, 1896, the Commission rendered a decision admitting to citizenship in the Choctaw Nation said Jacob Meeks, James N. Meeks and Calvin W. Meeks; from such decision the Choctaw Nation prayed an appeal to the United States Court for the Central District of the Indian Territory and on September 3rd, 1897, upon motion duly made in open court, this appeal was dismissed.

It further appears that on September 15th, 1898, Jacob Meeks appeared before the Commission and made application for the enrollment of himself and his two sons as citizens of the Choctaw Nation, their post-office address at that time being given as Elmore, Indian Territory, and in accordance with the provisions of

0 x 0 x

The Judgment above cited, have duly signed for compliance as
directions of the District Court.

Yours truly,

Acting Chairman

7-5320

Muskogee, Indian Territory, November 23, 1901.

James H. Meek,

Maxwell, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 18th instant in which you state that you are the son of Jacob Meek and that with your father you was admitted to citizenship in the Choctaw Nation by this Commission and that since such admission and the time that you made your application for enrollment, you have married and you now desire to be advised as to the proper procedure to have your wife enrolled as a citizen by intermarriage of the Choctaw Nation.

Replying to your letter you are informed that it appears from our records that on September 15, 1898, James H. Meek, 22 years of age, the son of Jacob Meek of Elmore, Indian Territory, was listed for enrollment as a citizen of the Choctaw Nation having been admitted to such citizenship by judgment of the Commission to the Five Civilized Tribes, December 2, 1896, under the provisions of the Act of Congress of June 10, 1896. From such a decision an appeal was taken to the United States Court for the Central District of the Indian Territory and on December 3, 1897, said appeal was

J K M S

dismissed.

If you have since the time you made application to this Commission for enrollment as a citizen of the Choctaw Nation married a white woman, who you now desire to have enrolled as a citizen by intermarriage of the Choctaw Nation, it will be necessary for her to present herself in person before the Commission for the purpose of examination under oath.

The Commission can render you no opinion upon hypothetical questions of enrollment nor make any record of the application of your wife until such personal appearance.

Yours truly,

Acting Chairman.

7-8120

Choctaw D 691
Choctaw R 525

Muskogee, Indian Territory, April 19, 1902.

T. B. Taylor,

South McAlester, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 14th instant, relative to the application of Calvin W. Meek et al, for enrollment as citizens of the Choctaw Nation and evidently in response to our communication of March 10, 1902, addressed to Mr. Meek at South McAlester, Indian Territory, in which he was notified that he would be permitted thirty days from that date within which to submit to the Commission an affidavit showing that he and his children claim a right to identification as Mississippi Choctaws under the provisions of the act of Congress of June 28, 1898.

You request that the time specified in our letter of March 10, 1902, be continued and that a new date be fixed for a further consideration of this case.

Replying to your letter you are informed that if Calvin W. Meek anticipates or desires to make an application to this Commission for the identification of himself and his minor children as Mississippi Choctaws, he will be heard upon his personal

T B T S

appearance at the office of the Commission at Muskogee, Indian Territory.

In view of the probability of some early date being fixed or agreed upon for the closing of the rolls of the citizens of the Choctaw and Chickasaw Nation and the termination of the reception of applications for identification as Mississippi Choctaws, it is advisable that such appearance be made as early as practicable .

In the matter of the application of Ada Meek for enrollment as a citizen by intermarriage of the Choctaw Nation, you desire to be advised if there is any further evidence necessary in her case.

You are advised that it appears from our records in the matter of the application of Ada Meek for enrollment as a citizen by intermarriage of the Choctaw Nation, that at the office of the Commission at Muskogee, Indian Territory, on December 4, 1901, she personally testified as to her marriage to James H. Meek who was admitted to citizenship in the Choctaw Nation by a judgment of the United States Court for the Southern District of the Indian Territory, and offered in evidence, her marriage license and certificate to said James H. Meek of date of September 1, 1899.

James H. Meek, the husband of the applicant, also testified relative to such marriage. The marriage license presented in evidence was issued by C. M. Campbell, Clerk of the

T E T 3

United States Court, Southern District, Indian Territory.

We can render you no opinion as to whether there is sufficient evidence presented in this case to warrant the enrollment of the applicant as a citizen by intermarriage of the Chootaw Nation.

You are further advised that on April 15, 1902, the matter of the application of Ada Meek for enrollment as a citizen of the Chootaw Nation, was called for final consideration by the Commission and no appearance was made by or on behalf of the applicant or on behalf of the Chootaw Nation by its legal representatives.

Yours truly,

Acting Chairman.

Choctaw 5320.

Muskogee, Indian Territory, January 29, 1903.

Mr. Jacob Meek,

Maxwell, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of January 18th, in which you ask if the late treaty affects your case.

In reply you are advised that it appears from our records that Jacob Meek and his children, James H. and Calvin W. Meek were admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes on December 2, 1896; that appeal was taken from the decision of the Commission to the United States Court for the Central District of Indian Territory, and that on September 3, 1897, the appeal was dismissed.

Respectfully,

Acting Chairman.

Choctaw 5320

Muskogee, Indian Territory, February 16, 1904.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,

Gentlemen:

Receipt is hereby acknowledged of your letter of February 12, asking the status of the enrollment of one Jacob Meek and certain other persons by the name of Meek, and ask to be informed if they were admitted to citizenship in the Choctaw Nation by the Commission under the act of Congress of June 10, 1896, or if they made application for enrollment under the act of June 28, 1898.

In reply to your letter you are advised that it appears from our records that Jacob Meek and his two children James H. and Calvin W. Meek, were admitted to citizenship in the Choctaw Nation by the Commission, December 2, 1896, and on appeal to the United States Court for the Central District of the Indian Territory, said appeal was dismissed on September 3, 1897, in court case, citizenship docket, 189.

Their names now appear on Choctaw roll card Number 5320.

Relative to the "certain other persons by the name of Meek" referred to in your letter, as you do not give their Christian names

it is impracticable to furnish you any information relative to their enrollment.

Respectfully ,

Commissioner in Charge.

Choctaw 5320

Muskogee, Indian Territory, February 24, 1904.

Mansfield, McMurray & Cornish,

South McAlester, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of February 18, inclosing formal request that no further action be taken in connection with allotment of lands to Jacob Meek, James H. Meek and Calvin W. Meek, whose names appear on Choctaw card Number 5320.

Respectfully,

Commissioner in Charge.

Choctaw 5580

Muskogee, Indian Territory, February 24, 1904.

James H. Meek,

Meek, Indian Territory, (Care Jacob Meek)

Dear Sir:

You are hereby advised that under direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Choctaw and Chickasaw Nations dated January 23, 1904, no further action will be taken relative to your enrollment as a citizen of the Choctaw Nation until the Commission is further instructed by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

Choctaw 5490

Muskogee, Indian Territory, February 24, 1904.

Jacob Meek,

Meek, Indian Territory,

Dear Sir:

You are hereby advised that under direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Choctaw and Chickasaw Nations dated January 23, 1904, no further action will be taken relative to the enrollment of yourself and your children, James H.Meek and Calvin W. Meek as citizens of the Choctaw nation until the Commission is further instructed by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

Choctaw D 621

Muskogee, Indian Territory, March 7, 1904.

Mansfield, McMurray & Cornish,
South McAlester, Indian Territory.

Gentlemen:

In compliance with your request, of March 2, 1904, there is inclosed you herewith a copy of the testimony of Ada Meek, of December 4, 1901, in the matter of her application for enrollment as an intermarried citizen of the Choctaw nation, together with a receipt therefor, which please sign and return to this office.

Respectfully,

AB 2-7

Commissioner in Charge.

Received of the Commission to the Five Civilized Tribes one copy of the testimony of Ada Meek, of December 4, 1901, in the matter of her application for enrollment as an intermarried citizen of the Choctaw nation.

Mansfield McMurray Commissioner

Muskogee, Indian Territory,

March 7, 1904.

7-8320

Muskogee, Indian Territory, August 31, 1904.

Riley & Gotner,

Attorney at Law.

Tishomingo, Indian Territory.

Gentlemen:-

Receipt is hereby acknowledged of your letter of the 23rd inst., requesting to be advised relative to the status of the case of Jacob Meek et al, and requesting that your names be entered as attorneys of record in said case.

You are advised that the application of Jacob, James H. and Calvin Meek as citizens of the Choctaw Nation is now under consideration and it is probable that a decision will be reached within a short time and due notice of the action taken therein forwarded to you.

Respectfully,

Chairman.

Choctaw 5980

Muskogee, Indian Territory, October 31, 1904.

[illegible] Meek,

Meek, Indian Territory,

[illegible]:

You are requested to advise this office at once, in the matter of your enrollment as a citizen by blood of the Choctaw Nation, the degree of Choctaw blood possessed by you. This matter should receive your immediate attention.

Respectfully,

Chairman.

Choctaw 5950

Maxwell I. T. Nov. 11, 1904.

Commission to the Five Civilized Tribes

Muskogee,

received your letter stateing for me to advise your office the degree of Choctaw Blood possessed by me it is 1/4 one fourth Choctaw by Blood.

respectfully yours

Jacob Nesk

Choctaw D #91

Muskogee, Indian Territory, November 15, 1904.

Chilion Riley,
Attorney at Law,
Tishomingo, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of November 12, asking the status of the application of Ada Meek, wife of James H. Meek.

In reply to your letter you are advised that the Commission has not passed upon the application of Ada Meek for enrollment as an intermarried citizen of the Choctaw nation, and before the same can receive further consideration it will be necessary for her to appear in person before the Commission at its office in Muskogee, Indian Territory, for the purpose of testifying relative to her intermarried status on September 25, 1902. This matter should receive immediate attention.

Request has also been made of Jacob Meek, father of James H. Meek, on several occasions, for a statement of the amount of Choctaw blood possessed by him, but no response has yet been received. This information is desired in the matter of the enrollment of these persons as citizens by blood of the Choctaw nation and should be furnished as early as possible.

Respectfully,

Choctaw 3850

Muskogee, Indian Territory, November 16, 1904.

Jacob Kear,

Maxwell, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of November 11, stating that you are a one quarter blood Choctaw, and this information has been made a matter of record in your case.

Respectfully,

Chairman.

Choctaw D 691

Muskogee, Indian Territory, December 29, 1904.

Ada Meek,

Purris, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your letter of December 24, asking the status of your application for enrollment as an intermarried citizen of the Choctaw Nation.

In reply to your letter you are advised that before further consideration can be given your application for enrollment as an intermarried citizen of the Choctaw Nation it will be necessary for you to appear in person before the Commission at its office in Muskogee, Indian Territory, for the purpose of testifying relative to your intermarried status on September 25, 1902, the date of the ratification of the act of Congress approved July 1, 1902.

Respectfully,

Chairman.

Choctaw 2 591

Muskogee, Indian Territory, April 25, 1905.

Jacob Mack,

Harris, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of April 13, and replying to that portion thereof in which you ask if Ada Mack has been approved, you are advised that on February 7, 1905, the Commission to the Five Civilized Tribes granted the application of Ada Mack for enrollment as an intermarried citizen of the Choctaw Nation, but her name has not yet been placed upon a schedule of intermarried citizens of the Choctaw Nation prepared for forwarding to the Secretary of the Interior.

Respectfully,

Chairman.

4

T-5550

Muskogee, Indian Territory, June 17, 1905.

Ada Mack,

Parris, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of June 15, 1905, asking if your enrollment has been approved by the Secretary of the Interior.

In reply to your letter you are advised that on June 12, 1905, the Secretary of the Interior approved your enrollment as an intermarried citizen of the Choctaw Nation.

Respectfully,

Chairman.

Muskogee, Indian Territory, July 10, 1905.

Jacob Meek,

Cornish, Indian Territory.

Sir:

[illegible] of [illegible]

July 5, 1905, advising the change of your post office address from Eufaula, and you are advised that this change has been made a matter of record.

Respectfully,

Commissioner.

7-5850

Muskogee, Indian Territory, January 16, 1906.

R. M. Rainey,

Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of January 6, 1906, in which you ask the status of the citizenship of Calvin W. Meeks an applicant for enrollment as a citizen of the Choctaw Nation, whose uncle, aunts and cousins have all be enrolled, but who, you understand was denied by the Citizenship Court.

In reply to your letter you are advised that Calvin W. Meeks now about eighteen years of age, son of Jacob and Eliza A. Meeks has been enrolled as a citizen by blood of the Choctaw Nation and his enrollment as such approved by the Secretary of the Interior.

If this is not the person to whom you refer and you will give his age, the names of his parents and such other information as will enable this office in identifying him upon its records, the matter of your inquiry will receive further consideration.

Respectfully,

Commissioner.

Choc 5851
Rhoda M. Edgar

1585

Affidavit of Attending Physician at Birth of Child.

INDIAN TERRITORY,

Southern Judicial District.

I, D. M. Johnson, being duly sworn, on oath, state that I was the physician who attended on Mrs. Rhoda M. Edgar on the 18th day of September 189 7, and that there was born to her on said date a male child, and that said child was named Earnest Edgar, and is now living.

D. M. Johnson

Subscribed and sworn to before me this 22nd day of September 1897.

E. A. Nicholl

NOTARY PUBLIC.

Commissioner

INDEXED

IN RE

Application for Enrollment of

INFANT CHILD

Sarah Ettie Edgar

as a citizen of the

Choctaw Nation.

Approved, MAR 13 1902 190

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAR 13 1902

Acting Chairman.

CHOCTAW.
D.107

Department of the Interior,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Chocktaw Nation,

of Sarah Ellie (Here insert name of child.), born on the 16th day of August, 1901

Name of Father: Paul Edgar, a citizen of the U. S. Nation

Name of Mother: Rhoda M Edgar, a citizen of the Chocktaw Nation.

Postoffice, Chickasha. I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY. }
Southern District. }

I, Rhoda M Edgar, on oath state that I am 21 years of age and a citizen, by blood, of the Chocktaw Nation; that I am the lawful wife of Paul Edgar, who is a citizen, by ..., of the U. S. Nation; that a Female (male or female) child was born to me on the 16th day of August 1901, that said child has been named Sarah Ellie Edgar, and is now living.

Rhoda M. Edgar

WITNESSES TO MARK:

(Must be Two Witnesses.) }

Subscribed and sworn to before me this 10 day of March 1902

Refunia Bond
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY. }
Southern District. }

I, P. F. Conway, a M. D, on oath state that I attended on Mrs. Rhoda M Edgar, wife of Paul Edgar, on the 16 day of August, 1901; that there was born to her on said date a Female (male or female) child; that said child is now living and is said to have been named Sarah Ellie Edgar.

P. F. Conway M.D

WITNESSES TO MARK:

(Must be Two Witnesses.) }

Subscribed and sworn to before me this 27 day of July 1902

A. J. Taylor
NOTARY PUBLIC.

My Commission Expires July 9-1904

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory, April 3, 1902.

Rhoda M. Edgar, et al.,
vs.
The Choctaw Nation, et al.

D-107.

In the matter of the application of Rhoda M. Edgar for the enrollment of herself and her two minor children, Earnest Edgar and Sarah Ettie Edgar, as citizens by blood of the Choctaw Nation.

On the 26th day of February, 1902, the principal applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were also notified by registered mail that the application of Rhoda M. Edgar for the enrollment of herself and children as citizens of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes on the 3rd day of April, 1902, at its office in Muskogee, Indian Territory, for final consideration.

Now on this 3rd day of April, 1902, this cause coming on to be heard pursuant to said notice, the following procedure was had.

Appearances:

Joseph Kirkendall, witness on behalf of the applicant.

A. Tolle, Attorney for the applicant.

J. G. Wylie, attorney for the applicant.

C. E. Herbert, Attorney for the applicant.

No appearance on behalf of the Choctaw and Chickasaw Nations.

Joseph Kirkendall, being first duly sworn, upon his oath testifies as follows:

Examination by the Commission.

Q What is your name? A Joseph Kirkendall.
Q What is your age? A Fifty years old last September.
Q What is your post office address? A I give it Minco on that card, but at this present time it's Chickasha.
Q Do you know the applicant in this case, Rhoda M. Edgar? A Yes sir.
Q What relation is she to you? A My daughter.
Q What is her mother's name? A Sarah Jane Kirkendall.
Q What was her mother's maiden name? A Campbell.
Q How old is Rhoda M. Edgar at this time? A She was born in 1881, February----February 1881.
Q Has she any children? A Yes sir, she has two?
Q What are their names? A Earnest is the oldest one.
Q How old is he? A I think he's about three---a little better than three years. That's my recollection at this time.
Q What is the other one's name? A I do not know it's name. You have got the certificate from the Dr.
Q Sarah Ettie, that's the certificate here. Do you know how old it is about? A About seven or eight months old.
Q Seven or eight months? A Yes sir, it's about that.

Examination by C. L. Herbert, Attorney.

Q Mr. Kirkendall, is Jane Kirkendall, nee Campbell, the same identical person to whom you were married? A Yes sir.
Q As mentioned in this act of 1888 of the Choctaw Council. Are you the same Joseph Kirkendall mentioned there as the husband of the woman referred to? A Yes sir.
Q It is stated in this act that Jane Kirkendall and her husband, Joseph Kirkendall, and their son, age one year, whose name does not appear, are admitted by this act. What is the name of this son referred to? A James Henry.
Q Is he living or dead? A He's dead.
Q Was this girl to whom you refer Rhoda M. Edgar, was she living at the time of the passage of this act? A Yes sir.
Q Is Rhoda M. Edgar a daughter of yourself and Mrs.Sarah Jane Kirkendall? A Yes sir.
Q Nee Campbell? A Yes sir.
Q Your wife is a Choctaw by blood? A Yes sir.
Q This daughter of yours, was she on the leased district roll of 1893? A '96, I think it was.
Q '93 it was------did she draw annuity as a member of the Choctaw Tribe? A Yes sir.

Q Do you know whether she is on any other roll made by the Choctaws? A There was one made since that time----I don't remember exactly.
Q In 1896? A Yes sir.
Q You may state whether or not her right was ever questioned prior to the organization of this Commission, and the power was conferred upon them to pass upon citizenship? A No sir, it never was.

By Attorney J. Q. Ralls?

Q She resides in the Chickasaw Nation, does she? A Yes sir.

By Attorney Ralls:

Applicants request that the Commission refer to the leased district roll of 1893 of the Choctaws residing in the Chickasaw District, and also the Choctaw Census roll of 1896, of Choctaws residing in the Chickasaw District, where Rhoda M. Edgar will be found enrolled as Rhoda M. Kirkendall, Number 7665. We also ask permission to file in this case a copy of the evidence heretofore taken and filed in the case of James M. Buckholts, et al., for the purpose of showing that under the laws and customs of the Choctaw Nation the admission to citizenship by the Choctaw Council of the heads of families carried with it the admission of their descendants without they being specifically mentioned in the act.

By Attorney Herbert:

Q I believe the record shows that your daughter and children reside in the Chickasaw Nation? A Yes sir.
Q And have so resided since '97 and '97, and prior to that? A Yes sir.
Q How long have they lived in the Chickasaw Nation? A Since '89.
Q Continuously since then? A Yes sir.

By the Commission:

Q Your daughter is married is she now? A Yes sir.
Q What is her husband's name? A Paul Edgar.
Q How old is he? A Something like about twenty-eight years old.

think he is.
Q Is he a Choctaw? A No sir, he's a white man.
Q No application made for him, is there? A No sir.

By the Commission.

This case will be considered upon the evidence as now made up.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on the 3rd day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of April, 1902.

Hal Belford

Subscribed and sworn to before me this 4 day of April, 1902.

Clarence Tolbert

Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Atoka, I.T. December 4th, 1900.

In the matter of the application of James M. Buckholt et al. for enrollment as Choctaw citizens.
Choctaw Card D. 330.

James S. Standley, being duly sworn and examined, testified as follows:

Mr. A. Tolle, attorney for applicants: Capt Standley, I will ask if you are a Choctaw Indian by blood? A Yes sir.
Q What is your age? A 59 years of age.
Q Your residence? A Choctaw Nation, I claim Atoka as my headquarters, my home, I have no domicile in the town but I am at home here.
Q I will ask you how long have you been in the Choctaw Nation?
A I came here in 1873.
Q I will ask you whether or not you are acquainted with the laws and customs and usages of the Choctaw people with reference to citizenship?
A Yes sir, I think I am.
Q Did you ever occupy any position at the Choctaw council where they have passed on these questions of citizenship? A Yes.
Q I will ask you if you have ever acted in the capacity of draftsman for the council? A Yes.
Q Where citizenship cases were passed upon? A Yes, many a time.
Q I believe you state that you are well acquainted with the laws of the Choctaw Nation? A Yes sir.
Q I will ask you if you know of any law of the Choctaw Nation previous to the Act of 1888 wherein it was required that the names of the applicants should be presented to the council, all of the names, other than the heads of families? A No, I do not.
Q Then as I understand, it has been the custom of the council to admit people by simply admitting the heads of families? A Yes, I will say that is my understanding, some have been.
Q Admitted the heads of families and the others all came in?
A That has been the custom.
Q I will ask you if you know William Buckholt? A Yes.
Q And R. T. James? A Yes.
Q I will ask you whether or not you know John Bull? the old John Bull?
A I knew of him, simply as a matter of record, and a matter of common knowledge in the country.
Q I will ask you if you know of any statutes authorizing the Supreme Court to pass on cases in the Choctaw Nation; any law of the Choctaw Nation authorizing the Supreme Court to pass on citizenship cases.
A The Supreme Court of the Choctaw Nation, there used to be an old law years ago, that was the law when I came here.
Q You were not present when the Supreme Court passed on the case of William Buckholt and others? A No.
Q I will ask you if you were attorney in the case of one J. R. Plumer when he was admitted to citizenship by the citizenship Commission of the Choctaw Council? A Yes.
Q I will ask you if there was any expression of the committee as to what their intention was at the time that he was admitted to citizenship?
A There was no question raised by the Commission that I know of with reference to the necessity of having his entire family incorporated in the bills.
Q Did the applicant himself ask the question? A Yes, the question was raised by him.
Q And what was the answer of the Commission to his question as

to whether he ought to name the children or not? A It has been a good long time ago, but my recollection is it wasn't necessary.
Q That the admission of the parents carried with it the rights to the children? A Yes.
Q Then as far as your experience goes and observation with reference to the Choctaw affairs, it has been the custom of the Choctaw Nation where the parents were admitted to citizenship, that the children took their status without naming them?
A Let me answer that in my own way, and I will state my experience to you. I was attorney for Plumer, I was the attorney for Stewart, I was the attorney for Marsh, and I can't call to my mind others cases now, and in all these cases, if it had been my understanding that it didn't carry all of them with the head of the family, it would have been an easy matter you understand for me to insert the name. The fact that we didn't do so and I was the attorney in the case is sufficient for the Commission to understand what my understanding of the law was and what the custom was at the time as I understood it.
Q I will ask you whether or not the Cha staws have recognized the children of William Buckholt, H. T. James and John Null, as far as exercising the rights of citizenship goes, since that time?
Q As to the Buckholt and James I know more about in a general way than I do about the Null family. I will say that as far as my information goes, they have always been recognized, I have never heard anything to the contrary.
Q I will ask you if it is not true with reference to other cases where they were admitted by act of the council and the children not named?
A I think so, yes; Plumer's children went ahead here and were admitted by the laws, and that other case and the Marshalls.
Mr. Cornish: You spoke of two or three cases, the Marsh and Plumer case and what other cases? A Mrs. Nancy Stewart.
Q Were those cases where the heads of family only were named in the acts of admission? A In the Nancy Stewart case that was different from the others.
Q I am inquiring if you did represent certain cases wherein only certain heads of families were named in the act? A Yes.
Q What other case in addition to the Buckholt? A The Marshall case and the Plumer case; the Stewart case went beyond the council.
Q These are two cases wherein only the heads of families were named.
A Yes.
Q Are there any descendants of these persons claiming and asserting rights in the Choctaw Nation? A That is my understanding, I know some of Plumer's children are here and some not here, and Marshalls, Marshall was a mixed blood.
Q Is it not a fact then that the Plumers after they were admitted by naming the head of the family, that by subsequent act of the council the members of the family were named in that? A I don't really now that.
Q That is your understanding is it? A Yes.
Q So that leaves only the Marshall case? A Yes, but mind you I don't remember about that subsequent act of the Plumers.
Q Isn't that your understanding, that it was done? A No I don't remember it; it might have been done, I don't say it wasn't done, and I might have been called upon to testify in reference to the other.
Q Is it Henry Marshall that you speak of? A Yes, Henry Marshall.
Q Captain Standley, how many acts of the Choctaw Council do you think have been passed since they commenced to admit persons many years ago, about how many cases? A I can't hardly tell
Q There have been at least 100? A Yes.
Q Perhaps 200? A Yes I don't know how many.
Q Something perhaps 100 and 200? A That would be a good guess.
Q Isn't it a fact that so far as your information goes that only in these three cases were only the heads of families mentioned?
A I can't say, because many of these cases I had nothing to do with

Q Do you know of any other cases wherein persons claim through acts of the council wherein only the heads of families were named?
A Of my own knowledge, no I do not; I haven't been attorney for many cases.
Q I supposed you might be familiar with the various acts from going through the old books? A I would not know from drafting an act, who was in and who wasn't in.
Q Is it not a fact that the proportion would be fifty to one or perhaps 100 to one as regards cases wherein only the heads of families were named and the cases wherein all persons claiming admission would be? A It might be, my knowledge of it isn't sufficient to justify me in answering that question; those cases that I single out I know of personally; the other cases wherein I was simply serving as draftsman of the council, there might have been only the heads and might have been all the family.
Q Since Mr. Tolle wanted to get your opinion and general information as to the custom I thought I might go further and get the benefit of your general knowledge of Choctaw affairs as well. A Very well, and tiy will see from my action then at the time of the admission of these parties that it was my general understanding and the understanding of my associate, Colonel Nelson, and he was a much older man than I am and had lived here all his life and was more familiar with the laws than I was, and that was his understanding, and he guided me largely.
Q This custom, would that warrant the recognition by the Choctaws of the brothers of a person admitted and the sisters, was that your knowledge of the customs? A I wouldn't say that, I don't know that there has ben any custom on that subject.
Q Do you know of any brothers and sisters of persons admitted by acts who have without any specification by the council been recognized as Choctaw citizens? A Yes.
Q You know of cases where one person was admitted and the brother of that person, never having been admitted, has been by the Choctaws recognized, but never was admitted by any act of council, and carried on the rolls? A Yes.
Q What case? A I don't know of but one, and that is my own brother.
Q You don't know of any other case? A I can't call to mind any other case, but if I were to talk around among the people and get my memory refreshed I might think of some.
Q Is your brother living? A No sir.
Q So far as you know, this custom would not extend to collateral relatives, brothers and sisters? A No, I can't say as to what the custom has been about that, I have had no other experience; there has been no way of obtaining information on that line.
Q The only acts of the Choctaw council then of which you have a personal knowledge, wherein only heads of families were admitted and in which the relatives sought to be recognized as Choctaw citizens, were those three cases that you spoke of, the Buckholt case, the Marshall case, and the Plumer case? A Yes sir, and the Stewart case
Atterney J. C. Balls, for applicatn: In the Stewart case before the council, the petition only mentioned the name of Mrs. Stewart, did it? A Yes sir.
Q That case it went into the Indian Agent under the special act of the Choctaw Council and there the Agent inserted the names of the descendants? A Yes.
Q And required them to be inserted there? A Yes.
Q And they were admitted there by the Indian Agent, that was approved by the Secretary of the Interior, was it? A Yes.

---o---

[illegible]

[illegible] Jones, [illegible] that [illegible] he [illegible] the [illegible] and [illegible] the [illegible] and [illegible] the [illegible] and

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
ATOKA, I. T. December 7, 1900.

The Chectaw Nation

vs

[illegible] M. Buckholts.

D 257.

A P P E A R A N C E S.

For the Chectaw Nation, Melvin Cornish Esq.
For the Applicant, J. S. Mills, Esq.

William Buckholts being duly sworn by Acting Chairman Bixby, testified as follows:

Examination by Mr. Mills:

Q State your name? A Just William, no middle name.
Q William Buckholts? A Yes sir, Buckholts.
Q How old are you, Mr. Buckholts? A I lack about one month of being eighty three years old.
Q How long have you lived in the Chectaw Nation? A Well, I moved here across Red River the first day of March, 1872 and being here ever since.
Q 1872? A Yes sir.
Q Who came with you to this country? Well, my children all come but one.
Q Which one was that? A That was Pate, W. L. Buckholts.
Q Are you acquainted with E. T. Jones? A Yessir.
Q When did he come to this Country? A He come here when I did.
Q Were you acquainted with John Hull during his lifetime? A Yes sir.
Q When did he come to this country? A He come shortly after I did. I suppose in ten days, I don't know exactly
Q What relation were they of yours? A John Hull married my eldest sister, Sarah E. Buckholts.
Q What relation was Mr. Jones to you? A He married my eldest daughter, Laura Elizabeth Buckholts.
Q Did their children come with them at the time they came here? A All they had.
Q The other children have been born in the Nation, have they? A yes sir.
Q Do you remember being before the Supreme Court of the Chectaw Nation in 1872? A Yessir.
Q Who were the supreme Justices? A There was--I don't know the ir given names- there was Garvin, Everidge and Fulsom. I think Fulsom lived at Skullyville. I have forgotten their given names.
Q Were you and Mr. Jones and Mr. Hull admitted to citizenship in the Chectaw Nation by judgement of that court? A Yes sir.
Q What year was that and what month? A That was in- well it was at the regular Council in October but it might have been in November before the Court decided on it.
Q And what year? A That was in '72, 1872.

Q Now Mr. Buckholts, just you and R. T. Jones and Joh Hull were mentioned in the judgment were you? A That was all that was in the delicate they gave us.

Q Do you know why it was that your children were not mentioned in the judgment? A Well I don't know that I could tell you. While I was on the witness stand I told the Court that I thought my and my sisters children ought to be in the petition.

By Mr. Cornish.

Q Does the Commission think it proper for him to repeat the statement he made at that time, a self serving declaration?

Mr. Ralls: It is not going to be a self serving declaration.

Mr. Cornish: I should think it would be Mr. Ralls. It is a statement that he made in his own interest.

Mr. Bixby: Let us see what the question is first.

By Mr. Ralls:

Q Go ahead. A In regard to naming the children, I told them I thought all our childrens names ought to be in the petition and judge Garvin, Chief Justice, said "Mr. Buckholts there is no use of it. If we recognize your older ones that includes allyour descendants." I hushed, of course, I could say no more.

Q Speaking as the Chief Justice of the court, he informed you that?

A The Chief Justice, yes sir.

Q Now, where have you all lived since you came to the Nation, I mean in the Nation or have you lived out of the Nation? A We aint lived out of it, we have lived here, have been out only on a visit or on business.

Q Been out just temporarily? A Yes sir.

Q Now since the Supreme Court admitted you three older ones, state whether or not the Choctaw authorities have recognized the children as citizens of the Nation? A Well, we have been recognized, the children and all, ever since, until the last year or such a matter.

Q After this question was raised? A Yes sir. There was no objection before.

Q Well have the Choctaw authorities themselves ever made any objections to you? A None that I knew of. Not a particle.

Q They have always voted, have they? A Yes sir.

Q Owned farms? A Yes sir.

Q Enjoyed the schools and privileges of Choctaws? A Yes sir, and served on juries, worked the roads, acted as judges of election and all likes.

Q Been placed on the various rolls made by the Choctaws have you?

A Yes sir.

By Mr. Bixby:

You are referring to himself or his children?

Mr. Ralls, to all of them.

By Mr. Ralls:

Q And they were paid Leased District money were they by the Choctaw authorities? A Yes sir.

Q Several of the defendants have married white persons have they?

A Yes sir.

Q Have these white persons been recognized by the Choctaws as members of the Nation? A Well, I think so. I never heard anything to the reverse at all.

Q And ever since 1878, the Choctaws have always recognized you, Mr. Jones and Mr. Hull and all of your children? A Yes sir.

Q And have recognized Mr. Jones children? A Yes sir.

Q And Hull's children? A Yes sir.

Q As members of the Choctaw Nation and you have enjoyed all

the privileges and benefits as other Choctaws. A Well with one exception.

Q What was that Mr. Buckholts? A That is my sister died and Uncle John I always called him uncle, he married a white woman and has one child by her. Well they were included in the petition but they knew they had no blood and they just withdrew.

Q They are not claiming citizenship are they? A No sir, not all.

Q One other thing. Do all of you own farms here in the Choctaw Nation, and Chickasaw together I mean? A Yes sir.

Q All that you have then is in the Choctaw and Chickasaw Nations?

A Yes sir.

Q They have nothing anywhere else? A If any of them have anything outside I don't know it. I don't think they have though.

CROSS EXAMINATION BY MR? CORNISH.

Q You say this was in October or November of 1872 Mr. Buckholts- it was in October or November was it not that you appeared before the Supreme Court? A Yes sir.

Q Did John Null and Mr. Jones appear there with you? A Yes sir.

Q The three of you went to council? A Yes sir. Well, some of our children were there.

Q Some of your children were there? A Yes sir.

Q You say you stated to the Supreme Court that you thought the names of the children ought to be included in their judgment? A Yes sir.

Q What led you to think so? A Well, I don't know as I could tell you that. I just thought they all ought to be there.

Q You thought they all ought to be there didn't you? A Now I can tell you why. When I first-- I spoke to old Governor Walker, Tandy Walker, and asked him who would be a suitable man to write up a petition. They told me I would have to make a petition. Well, he just pointed me out to Tom Ainsworth. I know he was a pert boy but I didn't know he was a lawyer and he was taking all the names down and Null and Jones got off a little piece and talked a little and they called me out there and said 'We think we had better get a lawyer to tend to it if it does cost something' I said all right. Well if I had known that Ainsworth was a lawyer I never would have gone to another.

Q Who did you go to? A Campbell Leflore.

Q Campbell Leflore was a citizen of the Choctaw Nation? A yes sir.

Q Practising law before the Choctaw courts and council? A Oh yes.

Q Did you have any witnesses before the Supreme Court Mr. Buckholts?

A Yes sir.

Q Who appeared before the Supreme Court as your witnesses?

Q I had old Null, Robert Jones and old Tandy Walker and Mrs. Flack. She only sent her testimony, and Mrs. William Gardner.

Q Did you have any children who lived in Texas after you came here?

A One.

Q How long did he remain there? A Well squire, it has been so long I can't tell you.

Q He came here several years afterwards did he? A Yes sir.

Q He was not living here when this act of admission was rendered?

A No sir.

Q Did not live here until several years afterwards? A Yes sir.

Q Is he claiming rights of citizenship? A Yes sir.

Q When he moved here several years after that time, did he go before council to be admitted? A No sir.

Q Then he was not admitted by act of council when he moved here?

A No he went to the officers, I don't know which one only Gardner and he said just associate with the leading characters here and let them know who you are.

William Buckholts A

Q What is his name? A William Lafayette.
Q Is he living now? A Yes sir, he was a short time ago.
Q Was he a married man when he moved to the Indian Territory?
A Yes sir.
Q Has he grand children or just children? A He has only one grand child and two living children.
Q Has one grand child and two children? A Yes sir.
Q They are now claiming citizenship, of course they are now claiming to be Choctaw Indians? A Yes sir.
Q What about the children of Mr. Jones. What children did Mr. Jones have at that time? A I think they had seven children when they came and five born afterwards.
Q Seven children when they came and five born afterwards? A I think that is it.
Q Did the seven all come with him? A Yes sir.
Q They have all lived here since that time? A All lived here since that time.
Q What about Mr. Hull's children. What children did he have at that time? A Two single and some of them come the year before and they all, I think come with him. Them that was married come with him.
Q Well, the Hull was your sister's husband is not now living? A No sir.
Q He is not the John Hull who is now applying? A No sir.
Q This is his son? A Yes sir.

ALINTON TELLE being duly sworn by acting Chairman Bixby testified as follows:

By Mr. Walls:
Q State your name? A A.Telle
Q What is your age, Mr. Telle? A Forty one years.
Q Are you a Choctaw Indiang by blood? A Yes sir.
Q Born and raised in the Choctaw Nation, were you? A Yes sir.
Q What official positions have you held in the Choctaw Nation?
A I have held several positions. The longest position I have held was National Secretary.
Q Have you held the position of National Attorney for the Choctaw Nation? A Yes sir.
Q You have been a practising attorney in the Choctaw Courts for how long? A For nineteen years.
Q During this time you have examined the laws of the Choctaw Nation on various questions and especially in regard to the question of citizenship have you, Mr. Telle? A Yes sir.
Q Now, state Mr. Telle, if prior to October, 1872, there was any law of the Choctaw Nation requiring Choctaws coming to this country to be admitted in order to enjoy the benefits as Choctaws?
Q What was the date?
Q October, 1872? A My recollection is there was not. The law that you refer to - I think the law that is on file there with the Commission - is the first law and I think it was passed at a special term in 1872 earlier than October.
Q What time in 1872? A I think in April. I have forgotten the date exactly.
Q Then prior to that act they had no law requiring persons to be admitted by the Choctaw council or by the courts or in any other manner in order to enjoy the privileges as Choctaws? A I have never been able to find any law that required Choctaws to be admitted by any act of council.
Q If a Choctaw came to this country and the officials of the Choctaw Nation recognized him as a Choctaw prior to that act, than he took the privileges as a Choctaw and was duly recognized was he?
A That is my understanding.
Q As a matter of fact a great many of the Choctaws that are now in the Choctaw Nation have come here and have never been

admitted by any act at all have they Mr. Tolle, and are now recognized?
A Yes sir, a great many of them, possibly four or five hundred, I mean by that people that did not come at the time of the emigration provided by the treaties but who simply emigrated; simply came out here afterwards. They came all the way from the time of the emigration in the thirties up to this time in 1872 when the law was passed.
Q Were you a member of the Commission that made the rolls of the Choctaws in 1893? A Not in the Choctaw Nation.
Q Were you in the Chickasaw Nation? A I made the roll in the Chickasaw Nation of Choctaws residing in the Chickasaw Nation.
Q Were you a member of the Commission that made the roll in the Choctaw Nation in 1896, I believe it was, or 1897? A No sir, not in the making of the rolls.
Q What position did you hold in that regard, in connection with the citizenship business? A No connection with it at all in 1896 or 1897 either.
Q Now being acquainted with the laws and customs of the Choctaw Nation, Mr. Tolle, in the preparation of the Leased District roll were persons of white blood put on as Choctaws or were only Choctaws by blood placed on the roll? A Only Choctaws by blood.
Q Your Commission determined the question of blood? A That is we enrolled them. Then there was a kind of revisory board that passed on all of them. I think from the rolls that we made in the Chickasaw Nation of Choctaws residing there, possibly they cut out four or five.
Q And then the Leased District payment was made to those remaining on the roll after the revisory board had gone over it?
A Yes sir.

CROSS EXAMINATION BY MR. CORNISH:

Q Mr. Tolle, you stated that you were National Attorney of the Choctaw Nation? A Yes sir.
Q How long have you been National Attorney? A About a year and a half.
Q You were a member of the citizenship commission of the Choctaw Nation appearing before the Dawes Commission, were you not?
A I was simply clerk of the Commission.
Q How long were you clerk of the Commission before the Dawes Commission? A I have been figuring that up
Q Since the fall of 1898? A Either the fall of 1897 or 1898. It was the first -e
Q Yes- well - you have given a construction as you understand it of the laws, customs and usages of the Choctaw Nation as to citizenship matters? A Yes sir.
Q You are an attorney in this case are you not? A I am, yes sir.
Q Do you know of any other act of Choctaw council through which persons claiming Choctaw citizenship, that does not specifically mention the names of all the persons living at that time upon whom it is desired to confer citizenship? A No sir, I know of no act specifically on the statute books. Now there is one- there are possibly one or two that allowed people to stay here;
Q Possibly one or two? A Yes sir, I remember that in the old J. P. Folsom code. Code made in 1869 by J. P. Folsom. I see there that they allowed a white man to stay here on account of his marriage - or during good behavior I believe.
Q That is an exception or two I believe? A And then there was a band of what they called Biluknha. It seems that they were really Choctaws and in attempting to come to this country, not knowing the geography of the country went south of here and finally stopped up in the Caddo country and what is known as the Leased District. They spoke the Choctaw language and had the customs of the Choctaws and some time long afterx about the year 185? I believe, -I simply speak from memory.

they allowed these Bilukshas to come down here as Choctaws.

Q Now these Buckholts and Jones people don't claim to be Bilukshas do they? A No sir.

Q Going back to the question. Do you know of any other act of the Choctaw Council that assumes to confer citizenship on persons that dont specifically name those upon whom it is desired to confer Choctaw citizenship? A No sir.

Q You dont know of any other act? A No sir.

Q You stated that you are familiar with the laws of the Choctaw Nation, have held various positions and practise law before the Choctaw courts? A Yes sir.

Q You are reasonably familiar with the Choctaw laws are you not?

A Reasonably so, yes sir.

Q About how many acts would you say there are of the Choctaw Council that have been passed since they began that business, about how many acts? A I don't know.

Q You could guess at it couldn't you? A I have copies of the pamphlets and could refer to them.

Q They are exceeding one hundred are they not? A I could not say as to that.

Q I would like to have you give me an idea. If you will let me get my books.

Q There are a great many acts are they not? A Yes sir.

Q Would you give your opinion that they would exceed fifty acts especially confering citizenship. I suppose you would not hesitate to say they exceed fifty would you? A I would not say as a matter of fact I don't believe they go over fifty. There are a great many acts referring to citizenship but most of them refer to rejected cases.

Q There are a great many. You would not care to fix the number?

A No sir.

Q Now, of all that number, be it fifty, sixty, forty or two hundred, you don't know of any act that assumes to confer citizenship that doesn't name the parties specifically do you, except this act of Bunkholts, Jones and Null, do you? A Well sir, to tell the truth, I don't know any act that requires it at all.

Q My question is this. You state there are a great many acts?

A Yes sir.

Q Ranging it may be from forty, fifty or two hundred, there are a great many acts? A I don't say so.

Q This is my question. Of that number of acts, now do you know of any other act that assumes to confer citizenship upon persons that does not specifically name the persons upon whom it is desired to confer citizenship that does not specifically name the persons in it? A Yes sir I do.

Q Well mention them? A I know one or two. One is a case of Henry Marshall.

Q Henry Marshall? What other? A J. R. Plumer.

Q What other? A In the acts of 1884 you will find a list passed on that didn't name anyone but the claimants. Sometimes had the word 'family' and sometimes not.

Q Are those the only ones you know? A Well, there are several names included in this list. The council made a general list and where John Smith appeared, maybe said husband and children, or wife and children.

Q What act is that now? A I think about the year 1884.

Q Who were those persons? A I couldn't say.

Q Were they Mississippi Choctaws who had just joined the people here? A No.

Q Were they not Mississippi Choctaw people? A No sir.

Q Where did they come from? A They appeared at council.
Q Well, where did they come from? A They lived here.
Q How long had they lived here. A I don't know.
Q How long have they been from Mississippi? A They were not Mississippi Choctaws.
Q But you din't know that theywere Indians who had come from Mississippi. A I could not say. I know some of the people have been living here as long as I could remember.
Q But you are not able to state that they didnot come direct from Mississippi to the Choctaw Nation? A I think I am in some of the cases.
Q Are you able to statein all the cases? A No sir, I am not.
Q Is it not a fact that in the Plumer case after an act had been passed naming the heads of the families that those parties appeared before the council and all parties naming were mentioned?
A Yes sir, I prepared the act myself.
Q Why did you prepare the act? A The reason for that is this: One of the Plumer boys had been elected to the Council. He had gone through the election and was elected to the council and had a seat as a member of the council and it seems that some one suggested the idea that they could not find his name admitted by act of council.
Q Some one suggested that? A Yes sir, who it was I could not say.
Q Suggested that as a reason why he should not be elected to Council? A I could not say.
Q There was a question raised though? A Yes sir.
Q Why was the act amended? Well, I heard it and I had been one of their supporters and I wanted no question raised. Of course with my information I could see the possibility of a question being raised so I filed a supplemental petition to the original, setting forth that they had been recognized and one of them was at that time sitting as a member of Council, and I thought it was safer for the family. And filed the act and admitted the whole family.
Q Were you one of the ones who raised this question? A No sir.
Q Who raised it? A I don't remember.
Q There was a question raised? A I heard it.
Q Raised in Council? A It was outside talk.
Q It was in response to the question that was raised that you drew the act was it not? A Indirectly you might say it was.
Q You were a practising attorney at that time? A Yes sir.
Q And were familiar at that time with the laws, customs and usages of the Choctaw Nation? A Yes sir, I knew it was no matter but simply did it as a matter of precaution.
Q As a matter of precaution you drew the act and had it passed.
A Yes sir.
Q When did the Choctaw Council pass a law requiring the names of all persons upon whom it was desired to confer citizenship presented to the Supreme Court? A I don't remember any such law sir. There is no law to that effect.
Q My understanding was from Mr. Ralls that in 1872, - he asked you that prior to that time there if there was any law requiring anyone to be admitted? A There was no law before them.

By Mr. Bixby: Is this evidence or not.
Mr. Cornish: I don't know.
Mr. Bixby: Is it in reply to your question? A I presume it is.

A There were some people living here who never were here until that time, some of the most prominent families, come in fifty or sixty. They never had to be admitted to citizenship and that act in 1872 was the first act that was ever recognized.

Q Do you state that as your opinion or as a fact? A A fact. A matter of law and record.
Q That is the first act of the Choctaw Council admitting specific persons to Choctaw citizenship? A Yes sir. Now there was another act passed later on. It didn't relate specifically to the method of making applications except one part of it. That was that it required a receipt from the National Treasurer of a payment of one hundred dollars for each name asked to be enrolled.
Q When was that? A In 1888, I think.
Q Considerably later than that? A Yes sir.
Q Then you stated as a matter of law and fact that this Buckholts, Jones and Null act was the first act of the National Council admitting persons to Choctaw citizenship? A This was not an act of Council.
Q Well an act of the Choctaw authorities? A Yes sir, in 1872.
Q Do I understand now as a matter of law and fact, that it is the first act of the Choctaw authorities specially granting Choctaw citizenship to persons? A Under the law, yes sir. They were the first people. It was the first case that come up under the new law.
Q Under the new law? A Under the law of 1872.
Q Conferring this jurisdiction on the Supreme Court? A Yes, sir.
Q Then you state there is no act of Choctaw Council prior to that time specifically conferring citizenship upon applicants? A I know of none.
Q Didn't you state, Mr. Tolle -- I don't believe you were quite accurate in your statements -- your opinion as a lawyer or do you state it as a matter of law that there wasn't any law prior to the law of 1872? A There was no Choctaw law requiring citizens to prove their right to Choctaw citizenship prior to this act of 1872. That's the law.
Q Here is what I understand your answer to mean. I understand that you stated that there was no law prior to 1872 of the Choctaw Council or the Choctaw authorities prior to the admission of these Buckholts, Jones and Null families that conferred or assumed to confer citizenship upon individual persons? A Oh, I would like to understand you first. I gave you some exceptions and you said these exceptions did not apply.
A As I understood you to state a minute ago, this was the first act of Choctaw authorities conferring or assuming to confer citizenship and before that time did not confer citizenship.

By Mr. Ralls: I would like to understand you myself.

Mr. Cornish: I am not mixed at all. If you understand English you will understand this.

Q Is this the first act of the Choctaw Council or the Choctaw authorities conferring citizenship upon specific persons, upon persons naming them. A No, sir, it is not. There are these exceptions I spoke of.
Q Prior to the admission of the Buckholts people? A Yes, sir.
Q Then there are acts of the Choctaw tribal authorities specifically conferring citizenship upon persons prior to that time, are they not? A No cases of this kind.
Q Perhaps there are different cases, different persons and people but they are persons, people admitted prior to this time?
Q I could not say they were admitted. You use a word there that was not known to the statute at that time.
Q I will amend the word. A There were some permitted to live here. They were white people or people of no real descent but they allowed them to stay here.
Q That was prior to the Buckholts admission? A Yes sir.
Q These Silukshas you speak of? A Yes sir, these were specific acts.
Q These people were specifically named in the act were they not? A Who? A These people that were permitted to stay here? A Yes

mens the Bilukshas?
Q I mean all persons who were permitted to stay here. They were in the act, were they not? A No sir, not all of them. Just heads of families.
Q Is this a clear recollection of the law or just as you remember it? A My recollection and I have seen them. One of the old descendants is living up here in Tobuskey County by the name of Tolp Pase, his English name is Charley Keel.
Q Now these Bilukshas you spoke of being permi tted to live here, were they not admitted to citizenship? A I could not say. I could not say that the word citizenship appeared as used now.
Q Now these Buckholts people claim to have full rights of citizenship? A Yes sir.
Q Now is there any act of the Choctaw tribal authorities prior to the admission of the Buckholts people that confer or assume to confer, full citizenship upon persons, specifically named?
A No sir, there is not. No sir.

Mr Ralls:
Q As I understand you stated, Mr. Tolls, that law of 1872 was the first act of Choctaw Council requiring persons to prove up citizenship? Was that the act conferring jurisdiction on the Supreme Court? A Yes sir
Q But prior to that time, the Choctaw Council had passed some specific acts in regard to persons residing in the Choctaw Nation, permitting them to remain, or recognizing them to that extent? A Yes sir.

SIMON E. LEWIS being duly sworn by Acting Chairman Bixby, testified as follows:

Mr. Ralls:
Q Your name is S. E. Lewis? A Yes sir.
Q How old are you Judge? A Fifty nine.
Q How long have you lived in the Choctaw Nation? A Born here.
Q What official position have you held in the Choctaw Nation? A I have held a good many.
Q You are a citizen of the Choctaw Nation? A Yes sir.
Q You have acted as one of the Commissioners of the Choctaws in preparing the rolls that have been made by the Choctaw Nation have you?
A Yes sir.
Q You are at present one of the Choctaw Commissioners? A Yes sir.
Q Representing the Choctaw Nation in th hearing of the protest cases? A Yes sir.
Q Of persons claiming citizenship in the Choctaw Nation? A Yes sir.
Q Were you a Commissioner that assisted in the preparation of the rolls of 1893? A No sir.
Q Were you one in 1896? A Yes sir.
Q What part of the Choctaw Nation did you work in? A There was two boards that worked on this.
Q When was the first roll made? A I made the roll of the Chickasaw Nation, of Choctaws residing in the Chickasaw Nation. Afterwards, the roll that was made of the Choctaw Nation was very incomplete and there was another board formed to go over that roll again and I was Chairman of the board for the first district and was afterwards a member of the board that revised that roll at Tuskahoma.
Q When you were in the Chickasaw Nation making the rolls of Choctaws in 1896, did you enroll any of the descendants of Mr. William Buckholts, R. T. Jones and John Hull? A Yes sir. Q Who was it you enrolled, Judge? A Well, I think old man Buckholts himself happened to be up there and I think I enrolled him up there.

I remember John Null was at Tishomingo and I don't remember exactly where he enrolled. I think we enrolled some of the Buckholts people up there.

Q Do you know Frank Plato? A Yes sir, we enrolled them.

Q And W. D. Bailey? A Yes sir.

Q You were acquainted with the condition of their citizenship? at the time, were you not? A Not particularly but I had a copy of the ~~xx~~ 1893 pay roll. And I noticed they had all drawn their money.

Q Now Judge, are you acquainted with the different provisions of the Choctaw laws in regard to the admission of persons to citizenship?

A Yes sir, pretty well.

Q Was there any law of the Choctaw Nation prior to this act conferring jurisdiction upon the Supreme Court of the Choctaw Nation in 1872 requiring persons to prove up citizenship or to be admitted by any act in order to enjoy the privileges of Choctaws? A I don't remember that I ever saw that law. I was just looking over it a moment ago. I don't think I ever saw the law, but it was passed sometime about seventy one or two.

Q Was there any law prior to that time? A No sir, there was no law requiring Choctaws who come here and come from Mississippi to prove up their rights. They just come here and settled down as there was old people enough to identify them at that time.

Q Then Choctaws coming here and identified by Choctaws who were here, would be recognized by the Choctaw authorities and treated as members of the Nation? A Yes sir.

Q There are a great many of the Choctaws that come here? A I know of two families down at Skullyville since the war I know never was admitted.

Q What are their names? A Wadkins, married Campbell, Leflore's sister, and his family. Puryea and Captain Reynolds and his family.

Q Who composed the revisory board at Tuskahomma when you made up the roll? A Alexander Durant was Chairman, myself and Ben Wadkins. That is the 1896 roll.

Q Do you know who composed the revisory board when the roll for the payment of the Leased District money was made? A The Governor and his cabinet, whoever they were at that time.

Q Do you remember their names? A Governor Jones, William W. Nelson was treasurer, Jacob Jackson secretary.

Q Who was National Attorney? A I believe I am mistaken about the treasurer. I expect McCurtain was the Treasurer. I am not certain. They changed hands about that time. Nation Attorney, I don't remember who that was.

Q And they were supposed to take off the names of all those who were not recognized citizens were they? A Yes sir.

Q And recognized by blood? A Yes sir. Besides that there were a great many that had got left over and did not get enrolled and they went down there and was enrolled by that board.

Q Are the Commissioners appointed by the Choctaw Nation objecting to the enrollment of these descendants of Buckholts, Jones and Null? A. No sir.

Q They are willing that they should be enrolled? We raised no objections. Well, there might have been some of the Commissioners up in the Chickasaw Nation. There was objection raised up there by some of the Commissioners. I don't know.

Q In your opinion and being acquainted with the laws and customs of the Choctaws are you, or would you say, that they are recognized citizens of the Choctaw Nation or not? A They have always been. The first time I got acquainted I met some on the jury. Judge Vincent was judge and he got crippled and I come down here to hold court for him. I found ~~xxxxxxxxxxxxx~~ them on the jury. I asked who theywere and they said Choctaws who had been admitted.

Q Knowing the case as you now know it, what would be your opinion as to their being recognized citizens? A I would not like to give my opinion. The Dawes Commission is settling that.

William Buckholts 11.

CROSS EXAMINATION BY MR. CORNISH.

Q These two families you speak of as being recognized with an act of the Choctaw Council, is it not a fact that they came direct from Mississippi to the Choctaw Nation? A Yes sir.
Q Came direct from the old Choctaw Nation to this country? A Yes sir
Q These Buckholts people; where did they come from? A I don't know. I wasn't acquainted with them until 1884.
Q Is it your understanding they came from Texas here? A I have heard some of the witnesses state that.

WILLIAM BUCKHOLTS being recalled testified as follows;

RE-CROSS EXAMINATION BY MR. CORNISH.

Q Youstate you moved from the Indian xxxxxxxx Texas to the Indian Territory?
A Yes sir.
Q How long had you liven in the state of Texas before removing to the Indian Territory? A Twenty one years.
Q Where did you live? A Smith County.
Q Did you own a farm there? A Yes sir.
Q You owned property there? A Yes sir.
Q What property did you own in Texas? A One hundred and eighty some odd acres in one tract of land and over two hundred in another.
Q That was in Texas? A Yes sir.
Q Well go ahead. A I had some niggers before they were set free.
Q You voted in the state elections, state and national elections?
A Yes sir.
Q You were a citizen ofthe state of Texas? A Yes sir.
Q Did you ever run for office? A No sir.
Q How long did Mr. Jones live in Texas, Mr. R. T. Jones?
A I don't know sir.
Q What is your understanding about it? A He claimed that he come there in fifty four or five.
Q In fifty four or five and lived there until 1872? A Yes sir.
Q All right, he lived there a great many years then? A Yes sir.
Q Did he own property in the state of Texas? A Yes sir, he owned some land.
Q Did he vote in the state and national elections in the state of Texas? A I suppose he did. But I don't remember that I ever saw him vote.
Q You never saw him vote? A I don't know as I did.
Q How long had Mr. Mull lived in Texas? A He moved there when I did.
Q And left there when you left? A Yes sir.
Q Didi he own property in the state of Texas? A Yes sir.
Q Did he won land? A Yes sir.
Q And other property? A Yes sir.
Q Did he vote in the state and national elections? A Yes sir.
Q He was a citizen of the state of Texas and recognized as such?
A Yes sir.
Q Where did you come from to Texas?
A Mississippi.
Q When did you leave Mississippi?
A I left Mississippi in the fall of 1850.

William Buckholts 12.

Q How long had you lived in Mississippi, Mr. Buckholts?
A I lived in Mississippi about eight years.
Q About eight years? A Yes sir.
Q Where did you come from to the state of Mississippi?
A Well let me go back and start and come forward.
Q Well. A I was born in East County, Mississippi, near the Louisiana line and when I was about six years old my parents moved to the old Choctaw Nation which is now Sumpter County. Lived there until I was twenty four years old. Started to Texas and stopped in Louisiana.
Q How long did you live in Louisiana? A From the first of May to the first of November when I come back to Mississippi and staid there eight years and then I started to Texas again.
Q You say you were born in Mississippi? A Yes sir.
Q Now, did your father move out of Mississippi? A Yes sir.
Q Where did he move to? A To the old Choctaw Nation.
Q From this county where you were born up to the Choctaw Nation?
A Oh no, he moved from East County to the old Choctaw Nation.
Q And you lived thereuntilyou were how old? A Twenty four.
Q Now you and Mr. Full and Mr. Jones lived in the state of Texas many years before moving to the Indian Territory? A Yes sir.
Q Owned property there and voted there? A Yes sir.
Q And were citizens of the state of Texas? A Yes sir.
Q How did you come to move to the Indian Territory? A Well, I can give you the history of it if you want it. When the niggers were set free I knew that I could not furnish homesteads for all my children, and I just told them, I had been up here about '57, 1857, I had been up here and I told them, says I, I have plenty of relatives there and I know I can prove it and if you will just all agree, we will pull up and sell out and you can get homes for yourselves.
Q Then you come here to get homes for yourself and family?
A I came because I knew I was a Choctaw.
Q You come here to get homes for yourself and family?
A Yes sir, of course.

RE)DIRECT EXAMINATION BY MR? RALLS.

Q Then did you all sell out in Texas and come over here?
A Yo sir.
Q Did these witnesses that you had before the Court know you when you were in Mississippi? A Yes sir, they knew me in Alabama.
Q What family of the Choctaws did you come from? A Zadoc Brashears.

By Mr. Tolle:
Q That Sumpter County you spoke of is in Mississippi or Alabama?
A Alabama.
Q The state lines have been made since that time have they? A Yes sir, a little of the Old Nation runs into Alabama and it was in Sumpter County.

RE-CROSS EXAMINATION BY MR. CORNISH.
Q This county in which youwere born was not in the old Choctaw Nation in Mississippi? A Oh up next to Louisiana line.
Q And after you were born your father with you moved into the old Choctaw Nation? A Yes sir.

Myra Young having first been duly sworn states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full

[redacted]

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Atoka, I. T. Dec. 7, 1900.

The Choctaw Nation :
:
vs : D 358.
:
Francis M. Jones. :

APPEARANCES.

For the Choctaw Nation, Melvin Cornish, Esq.
For the applicant, J. G. Wells, Esq.

Joseph R. Plummer being duly sworn by Acting Chairman Kirby, testified as follows:

Examination by Mr. Cornish.

Q What is your name? A Joseph R. Plummer.
Q What is your age? A Sixty seven.
Q You are a citizen of the Choctaw Nation, are you? A Yes sir.
Q Admitted to citizenship by the Choctaw Council? A Yes sir, by blood.
Q I want to get a statement from you for the information of the Commission regard to your admission to citizenship. When were you admitted? A 1883.
Q How what persons were named in that act of admission?
A I only petitioned to be recognized myself.
Q What children did you have living at that time? A Well all of the children.
Q How many? A Eight.
Q All living at that time? A All living, no sir.
Q Some born since? A No sir, the eldest one married Butler and was dead. The youngest girl died since.
Q After that act of admission the Choctaws recognized you as a citizen? A Yes sir.
Q Immediately after your admission to Choctaw citizenship the Choctaws recognized you? A Yes sir.
Q Immediately after that did they also recognize your children, your family at that time? A Well, they did they got the Leased District money, three of the boys.
Q Three of the boys got the Leased District money? A Yes sir.
Q When was the second act passed? A I think in 1895. Possibly 1894. I have the papers with me.
Q How many of your children did not get the Leased District money?
A Walter G. Plummer and Mollie G. Ragan.
Q And her children? A Yes sir.
Q Did Walter G. Plummer have children also? A Yes sir.
Q The children were your grand children? A Yes sir.
Q Any others? A I think Franklin E. Plummer.
Q And his children? A He had no children.
Q Was he your son? A Yes sir.
Q Why did they fail to get the Leased District money?
A Because they failed to be here the year before the Choctaw lease. All the citizens who were not within the bounds of the Choctaw Nation, would not be counted in the leased District payment.

Q Then these people you have mentioned were not living in the Indian Territory in 1893 were they, Is that your statement? A Yes sir. They were here but they came in 1894. I think that act was passed in April. In 1893 the payment was.

Q The payment made in 1893 on the rolls made in 1893?

A Yes sir.

Q They were not living in the Choctaw Nation in 1893? A No sir, they came after the Roll was made up except three that received their money.

Q Did all of your children who were living here at the time the roll was made up, receive their Leased District money? A Yes sir.

Q And those who did not reside here when the roll was made did not receive the money? A No sir.

Q Where did they live? A They had moved to Texas.

Q When did they move back? A I think in the fall and winter of 1893.

Q They had lived here, however, from the time you were originally admitted up to the time they moved to Texas? A Yes sir.

Q This second act was passed in 1896? A '94 or '95.

Q Whose names were included in that act? A All included except those who were living out there. I asked them to come here and live with me and if they would not come here their names would not be in there.

Q Then in the second act of admission the names of all your children who were then in the Indian Territory and living with you, were mentioned? A Yes sir.

Q Why did you have that second act passed? A I believed it was right. I wanted the act passed. I wanted to be fair with the Nation.

Q You felt that if this second act, stating their names was not passed, there might be some question as to their citizenship? A Yes sir. Bramell Leflore told me to have my children recognized as soon as I could.

Q By the Council? A Yes sir.

Q And in obedience to that advice you had this act passed in order that there might be no question? A I did, sir.

Q Who else did you talk with about that? A Several of my friends. J. B. Jackson, was the man I first had a conference with. He was then National Secretary.

Q You talked quite generally among your friends? A Yes sir.

Q Did you advise with Mr. Telle about it? A Yes sir, he drew the petition.

Q And Telle represented you before the Council by which the second act was passed? A No sir, just drew the bill upon my direction. I placed the matter before the Council myself.

Q Mr. Telle drew the bill? A Yes sir, I dictated it.

Q Did you ask his advice? A I just asked him to draw the bill. He was an attorney and of course knew about it, I told him I wanted the bill to place before the citizenship committee and wanted my children that was here recognized and those who would not come here would not be in

Q You understand that this does not affect your citizenship? A I will just say, my daughter Fannie Seals, I asked her why she would not live in the Indian Territory.

Q You understand this does not affect your citizenship but another question before the Commission.

Examination by Mr. Ralls.

Q It wouldn't make any difference if it did apply to your case, you would answer the same way, wouldn't you? A I am pretty sound on it.

Q as I understand you then, you only mentioned your own name in the petition to be admitted as a member in 1885. You were admitted

and at such as you were admitted your children who were here with you were recognized by the Commission? A Yes sir.

Q They got all the benefits as other Choctaws and afterwards in order that there might be no question of it, you had an act passed specifically naming all the children who were then here?

A Yes sir.

Q And I also understood you to say that your children who were residing here in regard to the payment of the Leased District money were placed on the Leased District Roll? A Yes sir, three of them.

Q Now isn't it a fact that your son Charley Pimmey was elected to Council before he was specifically named in any act of admission?

A Yes sir.

Q In every way your children were regarded as Choctaws?

A Those that were here.

Q That was on the theory that you being the father, your children were entitled to recognition as Choctaws? A Yes sir, he was on the Indian Police for nine years. I heard him say so yesterday.

Q They didn't have any one on the Indian Police but Indians?

A No sir.

Q And as I understand you those that didi not draw Leased District money were not here at the time the act for the payment of that money was passed, and under the act they could not draw the money, not being residents? A They could not receive the payment but did not affect their property rights.

Myra Young being first duly sworn upon her oath states that as Stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 7th, day of December, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

(Signed) Myra Young.

Subscribed and sworn to before me this 18th day of December, 1900.

Tams Bixby,

Acting Chairman.

4

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN THE MATTER OF THE APPLICATION OF JAMES M. BUCKHOLTS ET AL

TO BE ENROLLED AS MEMBERS OF THE CHOCTAW NATION.

The deposition of Joel Everidge taken at the residence of Joel Everidge about nine miles east of the town of Grant, in the Central District of the Indian Territory, between the hours of eight o'clock in the forenoon and six o'clock in the afternoon on the 8th day of January A. D. 1901, to be used as evidence in behalf of the above named applicants and all the descendants of William Buckholts, John Null and R. T. Jones and in behalf of all persons having married any of such descendants, pending before the Commission to the Five Civilized Tribes.

Joel Everidge after being duly sworn deposes and says: I am 72 years old, a citizen of the Choctaw Nation by blood and a resident of Kiamitia County, Choctaw Nation. I am one of the Supreme Judges of the Choctaw Nation. I was first elected to the office in theyear 1868 and have served in that capacity every year since that year with the exception of four years, during which time Judge J. R. Turnbull served. I was on the bench when the application for citizenship in this Nation was presented by William Buckholts, R. T. Jones and John Null. The court took up the case and examined the witnesses thoroughly. The witnesses were all Choctaws by blood and perfectly reliable. The court being satisfied that Wm. Buckholts was a Choctaw by blood and that R. T. Jones was entitled to inter-married rights by virtue of his marriage to the daughter of Wm. Buckholts and that John Null was entitled to inter-married rights by virtue of his marriage with a sister of the said William Buckholts, rendered a decision in their favor, naming only the heads of families. This was the first case of this kind ever passedon by the Court. At that time it was not considered necessary that the Children should be named. I remember that William Buckholts asked if it was necessary to name the children and the Chief Justice, I. L. Garvin informed him that if the parents were Choctaws the children certainly were Choctaws. This case was decided under authority conferred on the Court by an act of the General Council passed in 1872. Previous to this act there was no law of the Choctaw Nation requiring persons to prove up their citizenship. Citizenship at that day and time was not considered as being of the value that was placed on it in after years and at the present time. Even to this day there is no law specifically requiring the children to be named but the practice of late years by the Citizenship Committees of Council, has been to have them named, owing to the great number of applicants, for its information.

JOEL EVERIDGE.

United States of America,
Indian Territory.

I, William Beadles, a Notary Public within and for the Central District of the Indian Territory, do hereby certify that the foregoing deposition of Joel Everidge, was taken before me and was read to and subscribed by him in my presence, at the time and place and in the action mentioned in the caption. The said Joel Everidge having been first sworn by me, that the evidence he should give in the matter should be the truth, the whole truth and nothing but the truth; I further certify that his statements were reduced to writing in his presence, the applicants not being present in person and being represented by A. Tolle, one of their attorneys, and the Choctaw and Chickasaw Nations not being represented by their attorneys although properly served with a notice as evidenced by the return hereto attached.

Given under my hand and official seal at the above named place within the Central District of the Indian Territory this the 8th day of January A. D. 1901.

(SEAL)

Wm. BEADLES.
Notary Public.

4

BEFORE THE COMMISSION TO FIVE CIVILIZED TRIBES.

In the matter of the application of
James M. Buckholts et al, to be enrolled as members of the Choctaw Nation.

Notice to take depositions.

To Mansfield, McMurray and Cornish, attorneys for the Choctaw and Chickasaw Nations:

You are hereby notified that the applicants, James M. Buckholts et al, will take the deposition of Judge Joel Everidge at the residence of said Judge Joel Everidge about eight miles nearly east of Grant in the Central District of the Indian Territory, between the hours of nine o'clock in the forenoon and six o'clock in the afternoon, on the eighth day of January A. D. ~~1900~~ 1901, the said deposition when taken to be used before the Commission to the Five Civilized Tribes, by the said applicants in their application to be enrolled as members of the Choctaw Nation and to be used in behalf of all of the descendants of William Buckholts, R. T. Jones and John Hull, and in behalf of all persons claiming to be enrolled as intermarried citizens who have married any of said descendants. And if the taking of said deposition be not completed on said day, the taking thereof will be continued from day to day at the same place and between the same hours until completed.

J. G. RALLS,
TRLLS & CHAMBERS
Attorneys for applicants.

United States of America,
Indian Territory ss
Central District.

I, Jasper P. Grady, United States Marshal for the Central District of the Indian Territory, do hereby certify that I received the above and foregoing notice at the hour of 8.30 o'clock A. M. on the 24th day of December, 1900, and that I served the same at the hour of 4.20 o'clock P. M. in the town of South McAlester in said District and Territory, by delivering a true copy thereof to Melvin Cornish a member of the law firm of Mansfield, McMurray & Cornish.

Witness my hand this the 24th day of December, 1900.

J. P. Grady,
U. S. Marshal as aforesaid
By Robt. Fortune, Deputy.

Fee for serving 50 cts.
paid by J. G. Ralls,
J. P. Grandy,
U.S. Marshal.

United States of America,
Indian Territory,
Central District.

I, WM. KRAMER, a Notary Public within and for the Central District of the Indian Territory, with office at Grant, I.T., do hereby certify that the above and foregoing is a true and correct copy of the deposition of Paul Trimble taken before me on the 8th day of January, A. D. 1901, and that the copy of the notice thereto attached is a true and correct copy of the original notice attached to said deposition.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my seal of said Notary Public aforesaid, at Grant, in said District and Territory this 9th day of December, A. D. 1901.

WM. KRAMER,
Notary Public Aforesaid.

(SEAL)

United States of America)
Indian Territory)
Northern District)

I, Clara Mitchell Wood, a notary public in and for the Northern Judicial District of Indian Territory, do hereby certify that the within and foregoing twenty-three (23) typewritten pages constitute a full, true and correct copy of the original testimony of James S. Standley, taken at Ateka, Indian Territory, on December 4, 1900, in the matter of the application of James M. Buckholts, et al., for enrollment as Choctaw citizens; of the original testimony of William Buckholts, Alinton Tells and Simon E. Lewis, taken at Ateka, Indian Territory, on December 7, 1900, in the matter of the application of said James M. Buckholts, et al., for enrollment as citizens of the Choctaw Nation; of the original testimony of James R. Plummer, taken at Ateka, Indian Territory, on December 7, 1900, in the matter of the application of Francis M. Jones for enrollment as a citizen of the Choctaw Nation; and of a certified copy of the deposition of Joel Everidge, taken near Grant, Indian Territory, on January 8, 1901, in the matter of the application of James M. Buckholts, et al., for enrollment as citizens of the Choctaw Nation; said original documents being on file in the matter of the application of James M. Buckholts, et al., for enrollment as citizens of the Choctaw Nation, Choctaw Card D-167.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at Muskogee, Indian Territory, this 26th day of June, A. D. 1902.

Clara Mitchell Wood

Notary Public, Northern Judicial
District of Indian Territory.

7-D-107.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Rhoda M. Edgar and her minor children Earnest Edgar and Sarah Ettie Edgar as citizens by blood of the Choctaw Nation.

--:--

D E C I S I O N.

It appears from the census card record in this case that Rhoda M. Edgar appeared before the Commission on October 22, 1898, and made personal application for the enrollment of herself and her minor child Earnest Edgar as citizens by blood of the Choctaw Nation, and thereafter on April 3, 1902, at Muskogee, Indian Territory, further proceedings were had in this case and the birth affidavit of the minor applicant Sarah Ettie Edgar was filed.

It further appears from the record herein and the census card record in this case that the principal applicant, Rhoda M. Edgar is the daughter of Sarah Jane Kirkendall, a recognized and enrolled citizen by blood of the Choctaw Nation, whose name appears as number 15148 upon the list prepared by this Commission, under the Act of Congress approved July 1, 1902 (32 Stat., 641), of persons entitled to enrollment as citizens by blood of the Choctaw Nation and approved by the Secretary of the Interior, March 26, 1904; that said Sarah Jane Kirkendall (as Jane Kuykendall) was admitted to citizenship in the Choctaw Nation by an act of the General Council of said Nation, approved November 5, 1888; and that the name of the applicant, Rhoda M. Edgar (nee Kirkendall) is not mentioned in said act of admission although she was living at the time having been born in February 1881; that the applicant Rhoda M. Edgar claims rights for herself and the minor applicants herein, Earnest Edgar and Sarah Ettie Edgar, as citizens by blood of the Choctaw Nation by virtue of the said admission of the said Sarah Jane Kirkendall to citizenship in the Choctaw Nation in 1888, and of the subsequent recognition of the said Sarah Jane Kirkendall and her descendants as citizens of the Choctaw Nation by the tribal authorities of said Nation.

It further appears from an examination of the tribal rolls of the Choctaw Nation in the possession of the Commission that the name of the principal applicant, Rhoda M. Edgar, appears upon the 1893 Leased District Pay Roll of the Choctaw Nation as

Rhoda M. Kuykendall page 34, No. 330, of the Choctaws residing in the Chickasaw District, and also on the 1896 Census Roll of the Choctaw Nation (as Rhoda Kirkingdall) No. 7665, as a citizen by blood.

It further appears that the minor applicant, Earnest Edgar was born September 18, 1897, and the minor applicant, Sarah Ettie Edgar was born August 16, 1901; and that both of said minor applicants are the children of said Rhoda M. Edgar.

It further appears that the minor applicants have lived with their said mother, Rhoda M. Edgar, since the date of their births, and that said principal applicant with her child Earnest Edgar then living were residents in good faith of the Chickasaw Nation on June 28, 1898, all applicants listed upon the census cards during 1898 having been first examined as to such facts although their testimony was not reduced to writing.

It is, therefore, the opinion of this Commission that following the ruling of the Department in the case of James M. Buckholts et al., (I. T. D. 8490-1903), Rhoda M. Edgar, Earnest Edgar and Sarah Ettie Edgar should be enrolled as citizens by blood of the Choctaw Nation, in accordance with the provisions of the Acts of Congress approved June 28, 1898 (30 Stat., 495) and July 1, 1902 (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

OCT 15 1904

1-Dec107.

Muskogee, Indian Territory, October 15, 1904.

COPY.

Enoch M. Edgar,

Chickasha, Indian Territory.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered October 15, 1904, granting the application for the enrollment of yourself and your two minor children, Earnest and Sarah Ettie Edgar, as citizens by blood of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling you and your said children as citizens of the Choctaw Nation. If at the expiration of that time no protest has been filed, these names will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Tams Bixby

Chairman.

7-D-107.

Muskogee, Indian Territory, October 15, 1904.

COPY.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of this Commission, rendered October 15, 1904, granting the application for the enrollment of Rhoda M. Edgar and her two minor children, Earnest and Sarah Ettie Edgar, as citizens by blood of the Choctaw Nation.

You are hereby notified that you will be allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said persons as citizens of the Choctaw Nation. If at the expiration of said time no protest has been filed, their names will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Tams Bixby.

Chairman.

Registered. Per registry receipt

Encl. 7-D-107. see 7-B-18.

T-B-107.

Muskogee, Indian Territory, October 15, 1904.

COPY.

J. G. Ralls,
Attorney-at-Law,
Atoka, Indian Territory.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on October 15, 1904, rendered its decision granting the application for the enrollment of Rhoda M. Edgar and her two minor children Earnest and Sarah Ettie Edgar as citizens by blood of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said persons as citizens of the Choctaw Nation. If at the expiration of said time no protest has been filed, their names will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Tams Bixby.

Register. Chairman.

Muskogee, Indian Territory, October 15, 1904.

COPY.

S. M. Perry,

Ada, Indian Territory.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on October 15, 1904, rendered its decision granting the application for the enrollment of Rhoda M. Edgar and her two minor children Earnest and Sarah Ettie Edgar as citizens by blood of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said persons as citizens of the Choctaw Nation. If at the expiration of said time no protest has been filed, their names will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Tams Bixby.

Chairman.

Register.

7-D-108.

Muskogee, Indian Territory, October 15, 1904.

COPY.

Bond & Melton,

Attorneys-at-Law,

Chickasha, Indian Territory.

Gentlemen:

You are hereby notified that the Commission to the Five Civilized Tribes, on October 15, 1904, rendered its decision granting the application for the enrollment of Rhoda M. Edgar and her two minor children Earnest and Sarah Ettie Edgar as citizens by blood of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this notice and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said persons as citizens of the Choctaw Nation. If at the expiration of said time no protest has been filed, their names will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Tams Bixby

Chairman.

Register.

Cherokee D-207.

Muskogee, Indian Territory, February 26, 1902.

Rhoda M. Edgar,
Chickasha, Indian Territory.

You are hereby notified that your application for the enrollment of yourself and your minor child, Earnest Edgar, as citizens of the Cherokee Nation will be taken up by the Commission to the Five Civilized Tribes for final consideration at its office in Muskogee, Indian Territory, on the 3rd day of April, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting said application.

You are further notified that the representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

The Commission to the Five Civilized Tribes.

T. B. Needles.

Commissioner in Charge.

Register.

W- D 109

Muskogee, Indian Territory, March 13, 1902.

Bond & Melton,

Attorneys at Law,

Chickasha, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 10th instant enclosing the application for enrollment as a citizen of the Choctaw Nation of Sarah Ettie Edgar, the infant daughter of Paul and Rhoda M. Edgar, born August 16, 1901, and the same being in proper form has been duly filed with the records of the Commission and the child listed for enrollment as a citizen of the Choctaw Nation.

Yours truly,

Commissioner in Charge.

Choctaw 2150
Freedman 3147
Chickasaw 3956

Muskogee, Indian Territory, April 30, 1904.

Joe Kirkindall,

Box 367, Chickasha, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter without date asking to be informed when the names of Willie Inez and Ada Lee Kirkindall and Mary Ella Jones and Rhoda M. Edgar and their families are approved.

In reply to your letter you are informed if you will communicate with the Commission again in about sixty or ninety days you will be advised as to whether or not the names of the persons above referred to have been enrolled and approved.

Respectfully,

Chairman.

Muskogee, Indian Territory, May 7, 1904.

Reed & Melton,

Attorneys at Law,

Chickasha, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of April 30, stating that Mr. Joe Kurkendoll, one of the parties in the Campbell-Foster cases, went to the Chickasaw Land Office for the purpose of filing for his family and on arriving there his wife and two children were permitted to file, while his other children Rodah M. Edgar, Mary Ellen Jones, and Willie Ines and Ada Lee Kurkendoll were not permitted to file for the reason that the land office officials said they had not been approved. You further state that it has been your understanding that the entire Kurkendoll family with the exception of Joe Kurkendoll, intermarried, had been approved, and you are of the opinion that there is some mistake in sending the records to the land office. You therefore ask information on this subject.

You also inquire the status of P. K. Conaway and Robert W. Hayol, applicants for intermarried citizenship, and whether or their names have been sent to the Secretary of the Interior.

In reply to your letter you are advised that it appearing from our records that Rhoda M. Edgar, Mary Ella Jones, Willie Ines Kirkendall and Ada Lee Kirkendall, children of Joseph and Jane Kirk-

endall, were not named in the act of Council of November 5, 1856, admitting their parents, and it appearing that they were born prior to the date of that act, their names have not been placed upon the schedules of citizens by blood of the Choctaw Nation, prepared for forwarding to the Secretary of the Interior.

The Commission has not yet passed upon the applications of Philip K. Connoway and Robert W. Rayel for enrollment as intermarried citizens of the Chickasaw and Choctaw Nation respectively. As soon as decisions are reached in these cases the applicants will be notified of the action taken therein.

Respectfully,

Commissioner in Charge.

Chectaw 5736
Chectaw D-102
Chectaw D-107

Muskogee, Indian Territory, May 11, 1904.

Joe Kirkindoll,

Chickasha, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of May 6, in which you state that the members of the Foster Campbell family have been approved by the order of the Attorney-General, but that Willie Inez and Ada Lee Kirkindoll and Mary Ellen Jones and Rhoda M. Edgar desire to know whether their enrollment was not approved along with the other persons included in the Campbell Foster case.

In reply to your letter you are informed that Jane Kirkendall and her children, Sarah Amanda and William Edward Kirkendall, have been enrolled by this Commission as citizens by blood of the Choctaw Nation, which enrollment was approved by the Secretary of the Interior March 26, 1904.

You are further advised that it appears from our records that Rhoda M. Edgar, Mary Ella Jones, Willie Inez Kirkendall and Ada Lee Kirkendall, children of Joseph and Jane Kirkendall, were not named in the act of Council of November 5, 1888, admitting their parents; and it appearing that they were born prior to the date of that act, their names have not been placed upon schedules

J. T., 2.

of citizens by blood of the Cherokee Nation prepared for forwarding to the Secretary of the Interior.

Respectfully,

Chairman.

Choctaw 5736
Choctaw D 102
Choctaw D 107

Muskogee, Indian Territory, May 12, 1904.

Bond & Melton,

Attorneys at Law,

Chickasha, Indian Territory,

Gentlemen:

Receipt is hereby acknowledged of your letter of May 7, relative to the enrollment of Willie Inez Kurkendoll, Lee Kurkendoll Mary Ellen Jones and Rodah M. Edgar, children of Joe Kurkendoll, in which you state that some time ago you wrote inquiring with reference to the same matter and you request information at an early date.

In reply to your letter you are advised that on May 7, 1904, you were fully advised relative to the enrollment of the persons above named, in response to your communication of April 30,1904.

Respectfully,

Chairman.

Choctaw 8736.
R-132.
K-167.

Muskogee, Indian Territory, May 19, 1904.

Bond and Melton,
Attorneys at Law,
Chickasha, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of May 17, in which you state that you were not informed that the names of Rhoda M. Edgar, Mary Ellen Jones, Willie Ines Kirkendoll and Ada Lee Kirkendoll, children of Joseph and Jane Kirkendoll, were not mentioned in the Act of Council of November 5, 1888, admitting their parents to citizenship in the Choctaw Nation. You state that these children are, however, all Indians by blood and entitled to a share of the property of the Choctaw and Chickasaw Tribes, and that you stand ready at any time to furnish proof that they are the children of Joseph and Jane Kirkendoll, and that they are citizens of the Choctaw Nation, if such testimony is necessary.

In reply to your letter, you are informed that no further action on the part of the applicants is necessary at this time in the matter of the application of Mary Ella Jones, Rhoda M. Edgar, Willie Ines and Ada Lee Kirkendall as citizens by blood of the Choctaw Nation. Their names not appearing in the Act of Council admitting their parents, however, they were not placed upon the schedule of citizens by blood of the Choctaw Nation prepared and forwarded

[redacted]

Muskogee, Indian Territory, June 22, 1904.

J. M. Perry,
Ada, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of June 16th, in which you ask the status of the following persons: Thomas St. John, J. W. Brooms, Mrs. George Winkle, and John B. Stuart.

In reply to your letter, you are informed that it appears from our records that on July 20, 1903 the Commission rendered its decision granting the application of John B. Stewart for the enrollment of himself and his children as citizens by blood of the Chickasaw Nation and the attorneys for the Nations were allowed fifteen days within which to protest to this action of the Commission. On July 29, 1903 the protest of the attorneys for the Choctaw and Chickasaw Nation to the action of the Commission in granting this application was filed and on August 7, 1903 the record in this case together with the decision of the Commission and the protest of the attorneys for the Choctaw and Chickasaw Nations was forwarded the Secretary of the Interior. The Commission has not yet been notified of Departmental action in this case. It further appears from our records that Nannas Morris, now the wife of J. W. Winkle, was

J. M. P.--2.

admitted to citizenship in the Choctaw Nation by a judgment of the United States Court for the Southern District of the Indian Territory rendered at Ardmore, Indian Territory, December 21, 1897 in court case, citizenship docket, number 127 and that her case is now pending before the Choctaw and Chickasaw Citizenship Court being case number 31 on the Tishomingo Docket. For information relative thereto, you should address the Clerk of that Court at Tishomingo, Indian Territory.

The Commission has not yet passed upon the application of Thomas St. John for enrollment as an intermarried citizen of the Chickasaw Nation; as soon as a decision is reached in this case, he will be notified of the action taken therein.

You are further advised that the information contained in your letter is not sufficient to enable us to identify J. W. Brooms upon our records as an applicant for enrollment in the Choctaw or Chickasaw Nation. If you will state when and where application was made for his enrollment, his full name and age, the names of his parents, the character of the application made and any other information, which would lead to his identification, the matter of your inquiry will receive further consideration.

Respectfully,

Commissioner in Charge.

Choctaw 5736.
Choctaw D-102.
Choctaw D-107.

Muskogee, Indian Territory, June 30, 1904.

Joe Kirkindoll,
Box 387,
Chickasha, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of June 24, in which you ask if Mary Ellen Jones, Rhoda M. Edgar, and Willie Inez and Ada Lee Kirkindoll have been approved by the Secretary.

In reply to your letter, you are informed that the names of Rhoda M. Edgar and her children, Mary Ella Jones and her children, and Willie Inez and Ada Lee Kirkindoll have not yet been placed upon the schedule of citizens by blood of the Choctaw Nation prepared for forwarding to the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, July 30, 1904.

J. C. Mills,
Attorney at Law,
Ada, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of July 28, asking, if anything further is necessary in the matter of the enrollment of the children of Joe Kirkendall, namely, Minnie M. Edgar, Mary Ellen Jones, Ida Lee Shook and Willie Lewis Kirkendall, that you be notified.

In reply to your letter you are advised that if further action is necessary in the matter of the application for the enrollment of the above named persons as citizens by blood of the Choctaw Nation you will be duly notified.

You are further advised that the case of Joseph Kirkendall has been placed upon a schedule of intermarried citizens of the Choctaw Nation which has been forwarded the Secretary of the Interior but the Commission has not yet been notified of Departmental action thereon.

Respectfully,

Chairman Commission to the Five

W.O.B.

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BEALL,
Secretary

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING.
7-D-107.

Muskogee, Indian Territory, October 15, 1904.

J. M. Perry,

Ada, Indian Territory.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on October 15, 1904, rendered its decision granting the application for the enrollment of Rhoda M. Edgar and her two minor children Earnest and Sarah Ettie Edgar as citizens by blood of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said persons as citizens of the Choctaw Nation. If at the expiration of said time no protest has been filed, their names will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Chairman.

Register.

W.O.B.

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BREECKINRIDGE.

WM. O. BEALL,
Secretary

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
7-D-107.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, October 15, 1904.

Rhoda M. Edgar,

Chickasha, Indian Territory.

Dear Madam:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered October 15, 1904, granting the application for the enrollment of yourself and your two minor children, Earnest and Sarah Ettie Edgar, as citizens by blood of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling you and your said children as citizens of the Choctaw Nation. If at the expiration of that time no protest has been filed, these names will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Chairman.

Registered.
Encl. 7-D-107.

Choc 5852 James E. moran

Trans from choc D 774 oct 31, 1904

No 223 Trans from choc D #774 10-31-04

Fannie moran Trans Aug 17, 1906

5852

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment as a citizen by blood of the Choctaw Nation of---

JAMES E. MORAN. 7-D-774.

7-45 Chahta Tamaha

Oct. 25 1879.

To the General Counsil

Your committee to whom was referred the petition of Mrs Elizebeth Moran asking that her claim to citizenship in the Choctaw Nation be established beg leave to report the following bill:

An act recognizing Mrs Elizebeth Moran and her descendants as citizens of the Choctaw Nation.

Be it enacted by the General Counsil of the Choctaw Nation assembled, that Elizebeth Moran nee Buckholts with nine children, thereof three of whom are married viz, 1 Henry and Martha Moran his wife and four children John, Elizebeth, Sarah and infant. 2 Sarah and George Isaid her husband and George seven children Mary Jane, Selina, Silas, Tabitha, Georgianna, Ular and John. 3 Salina Moran. 4 Marmaduke and his wife Catharine Moran and four children John, Charles, Salina and George. 5 Reuben Moran 6 Charles Moran 7 John Moran 8 Caroline Moran 9 Daniel Moran are hereby admitted permanently to all the rights and privileges of citizenship in said Nation.

Your committee now ask to be discharged from further consideration of this case.

Approve of this the 3 of Nov 1879

I. L. Garvin
Principal Chief
C.N.

This is to certify the foregoing is a true and correct copy from the original act of the General Council of the Choctaw Nation now on file in my office at Tushka Homma the

capitol of the Choctaw Nation.

Witness my hand & the Great Seal of the Choctaw Nation the 9th day of Nov. A.D. 1894.

J. B. Jackson
National Secretary
Choctaw Nation

(SEAL)

Daisy D. Dunbin, stenographer to the Commission to the Five Civilized Tribes, on oath, states that the above and foregoing is a true, full and correct copy of a certified copy of an Act of the General Council admitting Mrs. Elizebeth Moran and her descendants to citizenship in the Choctaw Nation.

Daisy D. Dunbin

Sworn to before me this 2nd day of August, 1904.

Charles W. Lawyer
Notary Public.

Exhibit "A"

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
AUG 22 1902

ACTING CHAIRMAN.

The State of Texas }
County of Hays } Before me
John H. Saunders
a Notary Public in and for Hays
County Texas, on this day personally appeared
Mrs Judith Williamson of Dripping Springs
Hays County Texas, who after being duly sworn
according to law, doth depose and say
that she is well acquainted with
Marmaduke Moran, and Catherine Moran
(deceased) wife of Marmaduke Moran, and James
E. Moran now living near Florence Williamson
is the Son of said Marmaduke Moran
and his wife Catherine Moran, that she
was present when said James E. Moran was
born, having acted as midwife.

Signed This the 21st day of March 1899

Judith Williamson

Subscribed and Sworn to before me This the 21st day of
March 1899. John H. Saunders
Notary Public Hays County

"Exhibit A"

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
AUG 22 1902

ACTING CHAIRMAN.

Judith Williamson

Indian Territory
Central Judicial District }
We John. W. Moran and Charles W.
- Moran Citizens of the Choctaw Tribe
of Indians whose Post Office is
Jackson Ind. Ter. and whose
names appear on the Choctaw register
do solemnly swear that James, E.
Moran is our brother by blood
and that Marmaduke Moran is
our father and Catherine Moran
is our Mother.
Witness our hands this 1st October 1898

John W. Moran (SEAL)
Charles M. Moran

Sworn to and subscribed before me the
undersign Notary Public. This 1st day of
October 1898.

N. W. Attaway Notary Public

UNITED STATES OF AMERICA, INDIAN TERRITORY, CHOCTAW NATION.

Before the Commission to the five Tribes, In matter of the enrollment of James E.Moran, of Hunton, I.T., as a member of the Choctaw Nation by Blood.

AFFIDAVIT.

Name of Affiant

x S.J. Adare ..... having been first duly sworn on his/her oath deposes and states that he/she is a white person, over the age of x 58 years, and resides x Near Wimberley ..... in the County of Hays, in the State of Texas,

that he/she was personally acquainted with Marmaduke Y.Moran, who lived in Hays County, Tex., in the year 1877., and for several years theretofore and thereafter, that he/she was also acquainted with his family and lived neighbors to them x two ..... miles from them, near the town of Wimberley, in said County and State.

That said Marmaduke Y.Moran had a son/~~daughter~~ born to him by his wife with whom he was then living, near said town on the March, 7th., 1877., that said son was afterwards named James E. Moran, that his father and his family including said son later moved to the Indian Territory, that said family always claimed to be Choctaw Indians, that affiant has no interest in the above matters.

Affiant sign here x S.J. Adare .....

State of Texas,
ss.
County of Hays.

Name of Affiant

x S.J. Adare ..... having been first duly sworn on his/her oath deposes and states that the matters and facts set forth in the foregoing affidavit, made and subscribed by him/~~her~~ are true and correct, that he/~~she~~ has no interest in the matters therein mentioned

affiant sign here x S.J. Adare .....

Subscribed and sworn to before me this 25th day of April I904.

J.P. sign here S.J. Ryland .....

Justice of the Peace in and for 3rd Precinct, County of Hays, State of Texas. and Ex officio Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAY 2 1904

7 & 774

UNITED STATES OF AMERICA, INDIAN TERRITORY, CHOCTAW NATION.

Before the Commission to the five Tribes, In matter of the enrollment of James E.Moran, of Hunten, I.T., as a member of the Choctaw Nation by Blood.

AFFIDAVIT.

Name of Affiant G.W. Adare ..... having been first duly sworn on his/her oath deposes and states that he/she is a white person, over the age of 55 years, and resides Near Wimberley.... in the County of Hays, in the State of Texas, that he/she was personally acquainted with Marmaduke Y.Moran, who lived in Hays County, Tex., in the year 1877., and for several years theretofore and thereafter, that he/she was also acquainted with his family and lived neighbors to them ..Mile..... miles from them, near the town of Wimberley, in said County and State.

That said Marmaduke Y.Moran had a son/daughter born to him by his wife with whom he was then living, near said town on the March, 7th., 1877., that said son was afterwards named James E. Moran, that his father and his family including said son later moved to the Indian Territory, that said family always claimed to be Choctaw Indians, that affiant has no interest in the above matters.

Affiant Signs here G.W.Adare .....

State of Texas,
ss.
County of Hays.

Name of Affiant G.W.Adare ..... having been first duly sworn on his/her oath deposes and states that the matters and facts set forth in the foregoing affidavit, made and subscribed by him/her are true and correct, that he/she has no interest in the matters therein mentioned

Affiant signs here G.W.Adare .....

Subscribed and sworn to before me this 25th day of April. 1904.

J.P. Signs here S.J.Packard .....

Justice of the Peace in and for 3rd Precinct, County of Hays, State of Texas. and Ex Officio Notary Public

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I.T. August 22, 1902.

In the matter of the application of James Edward Moran for the enrollment of himself and his two minor children, Maud Ola and Georgia Elnora Moran, as citizens by blood of the Choctaw Nation.

James Edward Moran being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A James Edward Moran.
Q How old are you? A I am twenty four years old.
Q In what month were you born? A February.
Q What day? A The 7th.
Q In what year? A I don't know whether I can tell you.
Q You will be twenty five on the 27th of next February, will you?
A Yes sir.
Q What is your post office address? A Bailey, Chickasaw Nation.
Q How long have you lived in the Chickasaw Nation, Indian Territory?
A About nine years.
Q Have you lived in the Chickasaw Nation continuously for that time?
A Yes sir, never hve been out of the Nation.
Q Where did you live before that? A Hayes County, Texas.
Q How long did you live there-- about how long? A About thirteen years I think.
Q Where did you live before that? A I was born there.
Q Then you lived in Hayes County, Texas all your life until you moved to the Chickasaw Nation about nine years ago? A Yes sir.
Q Is your father living? A Yes sir.
Q What is his name? A Marmaduke Moran.
Q Is your mother living? A No sir.
Q What was her name? A Celina Moran.
Q S-e-l-i-n-a? A Yes sir.
Q Through which one of your parents do you derive your Choctaw blood?
A Father.
Q How much Choctaw blood has your father? A I can't tell you.
Q Do you have any idea? A I think he has an eighth.
Q Then that would make you a sixteenth, is that correct? A Yes sir.
Q You claim then about a sixteenth Choctaw? A Yes sir.
Q Where does your father live? A In the Chickasaw Nation.
Q Has he lived there the same length of time you have lived there?
A Yes sir.
Q Is he a recognized citizen of the Choctaw Nation? A Yes sir.
Q? Is his name on any of the Choctaw tribal rolls? A Yes sir.
Q What roll, do you know? A No sir, I don't.
Q Are you married? A Yes sir.
Q Your wife living? A Yes sir.
Q Has she any Choctaw blood? A No sir.
Q What is her name? A Fannie Moran.
Q You make no claim for her? A No sir.
Q Have you ever been married more than once? A No sir, she has.
Q Have you ever been married more than once? A No sir.
Q How many times has your wife been married? A Once before she married me.
Q What was the name of her first husband? A Kiker.

Q K-e-y-s-e-r? A Yes sir.
Q What's his given name? A F. Keyser.
Q Choctaw citizen or white man? A White man.
Q Is he living? A No sir.
Q When did he die? A Died six years ago.
Q Have you any children living? A I have two.
Q What are their names and ages- the oldest first? A Maud Ola.
Q How old is she? A Three year old.
Q The name of the next one-- A Georgia Elnora.
Q How old is she? A Eleven months old.
Q These children are both girls are they? A Yes sir.
Q Both living with you at this time? A Yes sir.
Q Are they both the children of yourself and Fannie Moran? A Yes sir.
Q Were you married to her under a license? A Yes sir.
Q When? A In -- the 3rd day of August, four years ago.
Q Was it August, 1898? A Yes sir.
Q Where were you married? A In the Chickasaw Nation.
Q Who married you? A Parson Crawford.
Q Where did you get your license? A In Atoka.
Q From the Clerk of the United States Court? A Yes sir.
Q Have you your license and certificate with you at this time? A No sir.

It will be necessary that you furnish the Commission with proper evidence of the marriage of yourself and wife Fannie Moran, for use in connection with the application you make in behalf of your two minor children.

Q This application is in behalf of yourself and your two minor children, Maud Ola and Georgia Elnora, for enrollment as citizens by blood of the Choctaw Nation? A Yes sir.
Q Is your name or the name of either one of your children to be found upon any of the Choctaw tribal rolls in Indian Territory? A Well, my name can.
Q What roll? A I can't tell you.

(The name of James E. Moran is not found upon the 1893 Leased District Choctaw roll, nor is it found upon the 1896 Census Roll of the Choctaw Nation; On page 257 in a volume styled "Memorandum Roll" "O ROLL" "Choctaws residing in the Chickasaw Nation", purporting to be a list of Choctaws residing in the Chickasaw Nation in the year 1896,,prepared by the Commissioners appointed under an act of Council approved in the month of October, 1896, for the purpose of preparing a census of the citizens of the Choctaw Nation, appears the name of James Moran, his age being shown to have been at that time nineteen years. From this list the enrollment roll- the 1896 census roll of the Choctaw Nation was prepared. But the name of this applicant was not transferred to the regular 1896 census roll.)

Q Have you a brother named John Moran? A Yes sir.
Q A sister named Seline Moran? A Yes sir.
Q A brother named George Moran? A Yes sir.
Q A sister named Sarah? A Yes sir.
Q A sister named Maud? A Yes sir.

Q A sister named Lucinda? A Yes sir.

(With the name of James Moran appearing on page 257 of said memorandum roll of Choctaws residing in the Chickasaw Nation, appear the names of John Moran, Seline Moran, George Moran, Sarah Moran, Maud Moran and Lucinda Moran. It is therefore probable that the name of James Moran appearing upon page 257 of said memorandum roll is the name of this applicant.)

Q Do you know how your name came to be placed upon this roll- this memorandum roll? A Well, my father had it put down.
Q Do you know where he had this name put on the roll? A No sir, I don't; I think it was at Atoka, though.
Q Do you know just when it was that he had this name put upon this roll? A No sir I don't.
Q Didn't he appear before the Advisory Board in January 1897 for the purpose of having these names put on this rollYes, I can't tell you what year it was, but he enrolled all his children somtime or another.
Q Do you know the names of the Choctaw Commissioners before whom he appeared to have this name put on this roll? A No sir.
Q You didn't draw any of the Leased District money? A No sir.
Q Did any of your brothers or sisters draw any? A Yes sir.
Q Do you know how it came that you didn't draw any of the Leased District money? A No sir, I don't.
Q Were you ever admitted to citizenship in the Choctaw nation by act of the Choctaw council? A I don't know nothing about that-- only that I was put down as an infant, not named,- something similar to that-- I can't tell.
Q Now, what do you mean by that? A Well, that is my grandmother was there when the childrens' names put there.
Q When was it that she made this application to the Choctaw council do you know? A No sir; we was in Texas at that time.
Q How old were you at that time? A I was just a small chap; I was not named when they put me down there.

(In Choctaw case No. 43, Marmaduke G. Moran et al., appears a certified copy of an act of the Choctaw Council approved on the 3rd day of November, 1879, by I.L.Garvin, principal Chief of the Choctaw Nation-; which is in words and figures as follows, to-wit:

"Chahto Tumaha
Oct. 25 1879

To the General Council

Your committee to whom was referred the petition of Mrs Elizabeth Moran asking that her claim to citizenship in the Choctaw Nation be established beg leave to report the following bill;

An act recognising Mrs Elizabeth Moran and her descendents as citizens of the Choctaw Nation.

Be it enacted by the General Council of the Choctaw nation assembled, that Elizabeth Moran nee Buckholts with nine children, three of whom are married viz: 1 Henry and Martha Moran his wife and four children John, Elizabeth, Sarah and infant, 2 Sallie and George

Izard her husband and seven children Mary Jane, Selina, Silas, Tabitha, Georgianna, Ular and John. 3 Selina Moran, 4 Marmaduke and his wife Catharine Moran and four children John, Charles, Salina and George. 5 Reubens Moran 6 Charles Moran 7 John Moran 8 Caroline Moran 9 Daniel Moran are hereby admitted permanently to all the rights and privileges of citizenship in said Nation.

Your committee now ask to be discharged from further consideration of this case.
Approve of this the 3 of Nov 1879

I. S. Garvin
Principal Chief
C.N.

This is to certify the foregoing is a true and correct copy of from the original act of the General Council of the Choctaw Nation now on file in my office at Tushka Homma the capitol of the Choctaw Nation.

Witness my hand and the Great Seal of the Choctaw Nation the 9th day of Nov. A.D. 1895.

(Seal)

J.B.Hackson
National Secretary
Choctaw Nation.

Q Are you older or younger than your brother George? A Younger.
Q Is your sister Selina older or younger? A Older.
Q Is John Older? A Yes sir.
Q Is Charles? A Yes sir.
Q What was the name of your grandmther who made this application in behalf of the members of your family? A -
Q What is your grandmother's name? A I can't tell you; she has a curious name, I can't call it.
Q Where does she live? A Ego I guess, is her posteffice.
Q Are you acquainted with her? A Yes sir.
Q And yet you cannot think of her name? A No sir.
Q Is it Elisabeth? A I don't know.
Q Although you were living at the time your father and mother and four older brothers and sisters were admitted to citizenship by this act of Concil you were not included in the act of admission, were you? A No sir.
Q How do you account for your not being included in that act?
A I can't tell you- explain it any way.
Q You never have been admitted to citizenship in the Choctaw Nation by any later act of the Choctaw council, have you? A No sir.
Q Did you ever make application to the council to be admitted as a citizen of the Nation yourself? A No sir.
Q Did you or anyone for you in 1896 make application to the Commission to the Five Civilized Tribes for enrollment in the Choctaw Nation under the act of Congress approved June 10, 1896? A Well, if they did I don't remember it.
Q You never have been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court for the Indian Territory? A No sir.

(To A. Telle, attorney for applicant:)

Q Do you want to ask him any questions, Mr. Telle? A No sir, I do not care to.

Q Have you ever appeared before this Commission before this time?
A Yes, at Stonewall.
Q When? A I went but I got sick and father answered in my place, and I was married and they wouldn't allow him -
Q They wouldn't allow him to make application for you? A No sir.
Q Then there has been no application made for yourself and minor children before today? Before the Commission? A No sir.
Q Have you ever enjoyed any benefits or privileges of Choctaw citizenship? A Nothing only the land; I have a farm down in Chickasaw.
Q In the Chickasaw Nation? A Yes sir.
Q How long have you had that farm? A The last two years.
Q Do you own any improvements on the land? A Yes sir.
Q Do you have to pay any permit tax to the tribal authorities? A No sir.
Q Has your right to hold land in the Chickasaw Nation ever been questioned by the tribal authorities? A No sir.

Examination by A.Telle:

Q When you came from Texas did you come at the same time that your brothers did? A No sir.
Q Did they come ahead of you or after? A They came ahead of me.
Q Did they draw any of these older brothers draw any of the Leased District money in '98? A Yes sir.
Q And you didn't? A No sir.
Q Is it your understanding that you were barred by the law requiring you to be here at the date of the passage of that act? A Yes sir.
Q And you were not here and could not draw it? A No sir.
Q I believe that's all that I want to bring out.

By the Commission:

The affidavits of Judith Williamson and the joint affidavit of John W. And Charles W. Moran are offered in evidence, identified as Exhibits "A" and "B" and filed and made part of the record in this case.

Henry G. Haines being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause on August 22,1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Haines

Subscribed and sworn to before me this 26 day of August, 1902.

Bruce G Jones
Notary Public.

7-D-774.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of James E. Moran as a citizen by blood of the Choctaw Nation.

--: D E C I S I O N :--

It appears from the census card record in this case that on August 22, 1902 James E. Moran appeared before the Commission and made personal application for the enrollment of himself and his two minor children, Maud Ola Moran and Georgia Elnora Moran, as citizens by blood of the Choctaw Nation. The rights of the minor applicants, Maud Ola Moran and Georgia Elnora Moran, are not passed upon in this decision.

It appears from the record herein that the applicant, James E. Moran, is a son of Marmaduke Y. Moran, a recognized and enrolled citizen by blood of the Choctaw Nation, whose name appears as number 15151 upon the lists prepared by this Commission under the act of Congress approved July 1, 1902 (32 Stat., 641) of persons entitled to enrollment as citizens by blood of the Choctaw Nation and approved by the Secretary of the Interior on March 26, 1904; that the said Marmaduke Y. Moran was admitted to citizenship in the Choctaw Nation by an act of the General Council of said nation approved November 3, 1879; that the name of the applicant, James E. Moran, is not mentioned in said act of admission although said applicant was living at that time having been born on March 7, 1877; that the applicant claims rights as a citizen by blood of the Choctaw Nation by virtue of said admission of the said Marmaduke Y. Moran in 1879 and of the subsequent recognition of the said Marmaduke Y. Moran and his descendants as citizens by blood of the Choctaw Nation by the tribal authorities of said nation.

It further appears from the record herein that the applicant was a resident in good faith of Indian Territory on June 28, 1898.

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of James M. Buckholts, et al. (I.T.D. 8490-1903), James E. Moran should be enrolled as a citizen by blood of the Choctaw Nation in

accordance with the provisions of the acts of Congress approved June 28, 1898 (30 Stat., 495) and July 1, 1902 (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

OCT 15 1904

COPY. 7-D-774.

Muskogee, Indian Territory, October 18, 1904.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of this Commission, rendered October 18, 1904, granting the application for the enrollment of James E. Moran as a citizen by intermarriage of the Choctaw Nation.

You are hereby notified that you will be allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If at the expiration of said time no protest has been filed, James E. Moran's name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED Tams Bixby.
Chairman.

Registered. Per registry receipt

Encl. 7-D-774. see 7-D-447.

7-D-774.

Muskogee, Indian Territory, October 16, 1904.

James R. Moran,

Hunter, Indian Territory.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered October 15, 1904, granting your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling you as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, your name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Chairman.

Registered.

Encl. 7-D-774

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for enrollment as citizen by intermarriage of the Choctaw Nation of----

Fannie Moran-Memo.-179.

Memo.-

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Ind. Ter., Nov. 13, 1905.

In the matter of the alleged application for the enrollment of Fannie Moran as a citizen by intermarriage of the Choctaw Nation.

Chilion Riley of Ardmore, Indian Territory, appearing as attorney for the applicant.

Fannie Moran being first duly sworn testified as follows:

Examination by the Commissioner:

Q What is your name? A Fannie Moran.
Q How old are you? A Thirty years old.
Q Where do you live? A Live at Comanchie now.
Q In the Chickasaw Nation? A Yes sir.
Q Are you a white woman? A Yes sir.
Q What is your father's name? A Williams.
Q His full name? A John Williams.
Q Is he living? A Yes sir.
Q What is your mother's name? A Williams.
Q Give the full name? A Cynthia Williams.
Q Is she living? A Yes sir.
Q Where were you born? A Texas.
Q You claim to be entitled to enrollment as a citizen by intermarriage of the Choctaw Nation, I believe? A Yes sir.
Q What is the name of the Choctaw Indian you married?
A James E. Moran.

The name of the applicant's Choctaw husband appears upon the records of this office on Choctaw roll card, Field No. 5852, opposite No. 15743 upon the final roll of citizens by blood of the Choctaw Nation approved by the Secretary of the Interior as James E. Moran.

Q When were you married to James E. Moran? A In '98.
Q Where were you married? A We was married at Hunton.
Q In what nation was that? A Chickasaw Nation.
Q Were you ever married prior to your marriage to James E. Moran? A Yes, I was married before we was married.
Q Married once before? A Yes.
Q Who was your former husband? A Kyser.
Q Was he living when you married Moran? A No sir.
Q When did he die? A He died in '97.
Q How long before you were married to Moran was he dead?
A Thirteen months I believe.
Q Was James E. Moran ever married before he married you?
A No sir.
Q Have you lived with him continuously since the date of your marriage to him? A Yes sir.
Q Have you ever personally, prior to this time, appeared before the Commissione to the Five Civilized Tribes and made application for enrollment as an intermarried citizen of the Choctaw Nation? A No sir.
Q Have you ever submitted any petition or made any claim for enrollment? A My husband --

Q Well, did you? A I have never done anything myself.

Examination by Mr. Riley.

Q How many children have you? A Three.
Q Give their names, please? A Maude Ola
Q How old is Maude Ola? A Seven years old.
Q What is the name of the next one? A Georgia Elnora.
Q How old is this child? A Four years old.
Q How old is the next child? A Twenty-one months old.
Q What is its name? A Alta Olean
Q Did you prepare a birth affidavit for each of these children and sign them and swear to them? A Yes sir.
Q Were they sent to the Commission? A Yes sir.

By Mr. Riley: We ask that the birth affidavits of Maude Ola and Georgia Elnora be referred to and made a part of the testimony in this case.

By the Commissioner: There was filed with the Commission to the Five Civilized Tribes on October 27, 1904, the marriage license and certificate of J. E. Moran and Fannie Kyser.
The affidavits of Fannie Moran, L. Anable and G. W. Sanders to the birth of Maude Ola and Georgia Elnora Moran, were executed on October 24, 1904, and filed with the Commission to the Five Civilized Tribes on October 27, 1904.

J. E. Moran, being first duly sworn testified as follows:
Examination by the Commissioner:
Q What is your name? A James E. Moran.
Q How old are you? A Twenty-eight years.
Q What is your postoffice address? A Comanche, Indian Ter.
Q Are you a citizen of the Choctaw Nation? A Yes sir.
Q Citizen by blood? A Yes sir.
Q How did you acquire your citizenship in the Choctaw Nation?
Q How's that?
Q How did you become a citizen of the Choctaw Nation? A My father is a Choctaw.
Q Your father was admitted by an act of the Choctaw council, was he not, in 1879? A Yes sir.

The name of the witness appears upon the records in the possession of this office on Choctaw roll card Field No. 5852, opposite No. 15743 upon the final roll of citizens by blood of the Choctaw Nation, as James E. Moran.

Examination by Mr. Riley.
Q Are you the husband of Fannie Moran who has just testified?
A Yes sir.
Q What is the first thing, if anything, that you ever did, towards having your wife enrolled? A Why, I never did do anything. A I thought Linton Tolle made application. He was the

man to.
Q Who was Mr. Linton Telle? A He was a lawyer at Atoka.
Q Was he a citizen of either the Choctaw or Chickasaw Nations?
A He was a Choctaw I believe.
Q Did you empley Linton Telle to represent your wife or make application for her, A Yes sir.
Q Do you know what he did? A No, I don't.
Q Ddd you ever see him afterwatrds? A No, I havn't seen him. I was here with him; I never seen him any more.
Q Were you here with Telle? When were you here with Linton Telle? A In August, 1902, I think it was.
Q Were you here at that time for the purpose of giving testimoney for yourself and your family? A Yes, I and the children.
Q Did you, at the time you speak of in August, 1902,--was anything said to the Commission at that time about your wife's enrollment? A I don't remember.
Q You don't remember? A No sir.
Q All you know is that you employed Mr. Telle to make application? A Yes sir.
Q When was it you employed Telle? About when was it? A It mu must have been in 1899.
Q Was it before or after the Commission made its first round through the nation? A Afterwards.

By the Commissioner:
It appears from the records of this office that on August 22, 1902, the witness testified in the matter of the application for the enrollment of himself and two minor children, Maude Ola and Georgia Elnora as citizens by blood of the Choctaw Nation, and stated that the mother of said children was Fannie Moran, but that he "made no claim for her as an intermarried citizen of the Choctaw Nation"

By Mr. Riley.
Q Mr. Moran, you heard the extract of your testimony read?
A Yes sir.
Q Do you remember what you testified to at that time? A No, I don't
Q Did the Commission ask you about your wife at that time, do you know? A I don't remember but I think they did.
Q Did you ever see any letters from the Commission to Mr. Telle with reference to your application, or any application she made?
A No sir.

By the Commissioner:
Q Where did you apply for enrollment for yourself the first time? A You mean here?
Q I mean when you first applied; you said it was Stonewlll, didn't you? A Yes, I forget the year.
Q Had ou been married to this wife then? A Yes sir.
Q Did you make any application for then? A No, my father tried--
Q You didn't appear at all? A No, I didn't.
Q Your father applied for you? A Yes sir.
Q Were you before the commission at all in 1898? Or did your father look after it for you? A Yes, I was before them at Atoka.

4-Fannie Moran.

Q Is 1898 I am talking about. A I don't be positive that I was before them at Atoka.
Q I am talking about Stonewall in 1898. You wasn't there at all? A No sir.
Q Your father looked after it for you? A Yes, my father looked after it.
Q And when were you at Atoka? A I think it was the same year but it was late in the fall. I forget what month it was.

Frances R. Lane upon path states that as stenographer to the Commissioner to the Five Civilized Tribes she correctly reported the testimony in the above entitled cause and that the foregoing is an accurate transcript of her stenographic notes thereof.

Frances R. Lane

Subscribed and sworn to before me this November 13, 1905

Myriam White

Notary Public.

Memo.179.
O.L.J.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Fannie Moran as a citizen by intermarriage of the Choctaw Nation.

D E C I S I O N .

It appears from the record herein that application was duly made to the Commissioner to the Five Civilized Tribes for the enrollment of Fannie Moran as a citizen by intermarriage of the Choctaw Nation within the time limited by the provisions of the Act of Congress approved April 26, 1906 (Public No. 179).

It further appears from the record herein that on August 24, 1898, the applicant, Fannie Moran, was lawfully married to James E. Moran, a recognized and enrolled citizen by blood of the Choctaw Nation, whose name appears as number 15743 upon a list prepared by the Commission to the Five Civilized Tribes under the provisions of the Act of Congress approved July 1,1902 (32 Stats. 641), of persons entitled to enrollment as citizens by blood of the Choctaw Nation and approved by the Secretary of the Interior December 2, 1904; that at the time of said marriage both persons above mentioned were residents in good faith of the Chickasaw Nation and that they resided together continuously as husband and wife in said Nation from the date of said marriage up to and including September 25, 1902.

I am therefore of the opinion that Fannie Moran should be enrolled as a citizen by intermarriage of the Choctaw Nation under the provisions of the Act of Congress approved June 28, 1898 (30 Stats. 495) and July 1, 1902 (32 Stats. 641), and it is so ordered.

Commissioner.

Muskogee, Indian Territory,

AUG 8 - 1906

Memo.-179

COPY

Muskogee, Indian Territory, August 8, 1906.

Fannie Moran,

Comanche, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered August 8, 1906, grantin your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from the date of this notice within which to file protest against your enrollment. If at the expiration of that time no protest has been filed, the name of Fannie Moran will be placed upon the final roll of citizens by intermarriage of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED: ~~Tams Bixby~~
George D. Rodgers
Acting Commissioner.

Registered.

Incl. Memo.-179.

Memo.-179 COPY

Muskogee, Indian Territory, August 8, 1906.

Chilton Riley,
Attorney at Law,
Ardmore, Indian Territory.

Dear Sir:

You are hereby notified that the Commissioner to the Five Civilized Tribes, on August 8, 1906, rendered his decision granting the application for the enrollment of Fannie Moran as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of the decision and have been allowed fifteen days from the date of this notice within which to file protest against her enrollment. If at the expiration of that time no protest has been filed, the name of Fannie Moran will be placed upon the final roll of citizens by intermarriage of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED ~~Tams Bixby~~
George D. Rodgers
Acting Commissioner.

Registered.

COPY

Memo.-179

Muskogee, Indian Territory, August 8, 1906.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South [redacted]ester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered August 8, 1906, granting the application for the enrollment of Fannie Moran as a citizen by intermarriage of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from the date of this notice within which to file protest against her enrollment. If at the expiration of that time no protest has been filed, the name of Fannie Moran will be placed upon the final roll of citizens by intermarriage of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED George D. Rodgers
~~Tams Bixby~~
Acting Commissioner.

Registered.

Incl. Memo.-179.

5852

INDEXED

IN RE
Application for Enrollment of
INFANT CHILD

Georgia Ethora Moran

as a citizen of

CHOCTAW Nation.

Approved OCT 27 1904 190

Commissioner.

proof of birth of child for whom enrollment application was made August 22 902

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
OCT 27 1904

Choctaw

CHOCTAW

Y 70774

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,
of Georgia Elnora Moran, born on the 15 day of September, 1901
(Give full name of child.)
Name of Father James Edmund Moran a citizen of the Cherokee Nation.
Name of Mother: Fannie Moran a citizen of the Nation.
Postoffice Hulbert Ind Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Southern DISTRICT.

I, Fannie Moran, on oath state that I am 29
years of age and a citizen, by Marriage, of the Cherokee Nation;
that I am the lawful wife of James Edmund Moran, who is a citizen, by
Blood, of the Cherokee Nation; that a Female child was
(Male or Female.)
born to me on 15 day of September 1901; that said child has been named
Georgia Elnora Moran, and is now living.

Fannie Moran

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 24 day of October 1901

John McMillin
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Southern DISTRICT.

I, G. W Sanders, a Physician, on oath state that I
attended on Mrs. Fannie Moran, wife of James Edmund Moran
on the 15 day of September, 1901; that there was born to her on said date a Female
(Male or Female.)
child; that said child is now living and is said to have been named Georgia Elnora Moran

G. W. Sanders

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 24 day of October 1901

John McMillin
Notary Public.

5837

INDEXED

IN RE

Application for Enrollment of

INFANT CHILD

Maud Ola Moran

as a citizen of

CHOCTAW.

Nation.

OCT 27 1904

Approved ..... 190 .....

Commissioner.

proof of birth of child for whom enrollment application was made August 22 1902

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
OCT 27 1904

Clerk.

To be filed with
CHOCTAW.
7277

BIRTH AFFIDAVIT. 80

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,
of Maude Ola Moran (Give full name of child), born on the 7 day of May, 1899

Name of Father: James Edmund Moran a citizen of the Choctaw Nation.

Name of Mother: Fannie Moran a citizen of the ____ Nation.

Postoffice Hunter Ind Ter

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Southern DISTRICT.

I, Fannie Moran, on oath state that I am 28 years of age and a citizen, by Marriage, of the Choctaw Nation; that I am the lawful wife of James Edmund Moran, who is a citizen, by Blood, of the Choctaw Nation; that a Female child was born to me on 7 day of May 1899; that said child has been named Maude Ola Moran, and is now living.

Fannie Moran

WITNESSES TO MARK:

(Must be Two Witnesses)

Subscribed and sworn to before me this 24 day of October 1904

John McMillin
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Southern DISTRICT.

I, L Anable, a Physician, on oath state that I attended on Mrs. Fannie Moran, wife of James Edmund Moran on the 7 day of May, 1899, that there was born to her on said date a Female (Male or Female) child; that said child is now living and is said to have been named Maude Ola Moran

L. Anable M. D.

WITNESSES TO MARK:

(Must be Two Witnesses)

Subscribed and sworn to before me this 24 day of October 1904

John McMillin
Notary Public.

262

CERTIFICATE OF RECORD OF MARRIAGES

UNITED STATES OF AMERICA
The Indian Territory } SCT.
CENTRAL DISTRICT

I, E. J. FANNIN[redacted] United States Court in th[redacted]ory and District aforesaid.

DO HEREBY [redacted]he License for and Certificate o[redacted]

Mr. [redacted] and

Miss [redacted]

were filed in my office in said Territory and District the 18 day of Oct A. D., 189[redacted]

and duly recorded in Book 1 of Marriage Record page 137

WITNESS my hand and seal of said Court, at Atoka this 18 day of Oct A. D., 189[redacted]

E. J. FANNIN, Clerk.

By [redacted] Deputy

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT 27 1904
[redacted] Chairman.

CHOCTAW.
D 774

Marriage License

UNITED STATES OF AMERICA [redacted] Any Person Authorized By Law to
Indian Territory [redacted] Solemnize Marriage—Greeting.
Central District

You are hereby commanded to solemnize the Rite and publish the Bans of Matrimony between Mr J E Ma[redacted] of Newton in the Indi[redacted], aged — 22 — years, and Miss [redacted] Keyes of Newton in the In[redacted] Territory, aged — 22 — years, according to law and do you officially sign and return this License to the parties therein named.

WITNESS My hand and Official Seal this 20 day of Au[redacted]

C J Fawcett
Clerk of the U. S. Court

[redacted]
Deputy

[redacted]IFICATE OF MARRIAGE

UNITED STATES [redacted]RICA
Indian Territory
Central District
} ss.

I, J T [redacted] a Crawford

DO HEREBY CERTIFY, That on the 24th day of August A. D. 189 8, I did duly and according to law, as commanded in the foregoing License, solemnise the Rite and publish the Bans of Matrimony between the parties therein named.

WITNESS my hand this 24 day of August A. D. 189 8.

My credentials are recorded in the office of the Clerk of the United States Court, in the Indian Territory, Central District, Book A Page 238.

J T Crawford

a Minister

NOTE—This L[redacted] Clerk of the United States Court [redacted] the date there- of or the party to w[redacted] liars ($100).

7-D-774

Muskogee, Indian Territory, May 2, 1904.

James E. Moran,

Bailey, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the affidavits of G. W. and S. J. Adare, relative to the date of your birth, March 7, 1877, and the same have been duly filed with the records of the Commission in the matter of your application for enrollment as a citizen by blood of the Choctaw Nation.

Respectfully,

Chairman.

7-2-774

Muskogee, Indian Territory, May 2, 1904.

James E. Morgan,

Bailey, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the affidavits of G. W. and S. J. Adare, relative to the date of your birth, March 7, 1877, and the same have been duly filed with the records of the Commission in the matter of your application for enrollment as a citizen by blood of the Choctaw Nation.

Respectfully,

Chairman.

7-8888.

Muskogee, Indian Territory, March 27, 1906.

James E. Moran,

Hunton, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of March 22, 1906, asking if your wife Fannie Moran has ever been approved as a citizen by intermarriage of the Choctaw Nation.

In reply to your letter you are informed that it does not appear from our records that application has been made by or on behalf of your wife Fannie Moran for enrollment as an intermarried citizen of the Choctaw Nation. If it is insisted that application has been made for her enrollment it will be necessary for her to appear in person at the office of the Commission in Muskogee, Indian Territory, accompanied by the person by whom such application was made and witnesses who know of their own personal knowledge of such application at which time their testimony will be taken relative thereto.

Respectfully,

Chairman.

Choctaw 6852.

Muskogee, Indian Territory, April 7, 1906.

James E. Moran,

Hunton, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the affidavits of Fannie Moran and H. A. Ellis to the birth of Alton Cline Moran, son of James E. and Fanny Moran, February 8, 1904, and the same have been filed with our records as an application for the enrollment of said child.

Respectfully,

Commissioner in Charge.

7-6252.

Muskogee, Indian Territory, May 16, 1903.

James E. Moran,

Hunton, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of May 4, in which you ask how to proceed to have your wife, Fannie Moran, to whom you were married in 1898, enrolled as a citizen of the Choctaw Nation.

In reply to your letter you are advised that it does not appear from our records that application has been made to this Commission by or on behalf of Fannie Moran for enrollment as an intermarried citizen of the Choctaw Nation, and, as you were advised on March 27, 1903, if it is insisted that application has been made for her enrollment, it will be necessary for her to appear before the Commission at its office in Muskogee, Indian Territory, accompanied by the person by whom such application was made and witnesses who have knowledge of the facts, at which time their testimony will be taken relative thereto.

Respectfully,

Chairman.

Commission to the Five Civilized Tribes,

Atoka, Indian Territory.

In the application of James E. Moran for enrollment as a Choctaw; being sworn and examined by Com'r McKennon he states:

Q What is your name? A James E. Moran.

Q How old are you? A Twenty-two.

Q What is the date of your birth? A 7th day of March 1877.

Q Your father is named Marmadyke Moran? A Yes sir.

Q The other members of your family were admitted by an Act of Council of the Choctaw Nation, approved November 3rd, 1879, all that were living at that time? A Yes sir.

Q Except yourself? A Yes sir.

Com'r McKennon: As you were then living, and not admitted by the Choctaw Council, any enrollment that may have been made of you since that time was without authority of law, and your enrollment by the Commission will be refused.

Q You haven't been admitted by any Act of Council since that time have you? A No sir.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify upon my official oath as stenographer to the above named Commission, that this transcript is a full and correct translation of my stenographic notes.

M D Green

Choctaw D 774

Muskogee, Indian Territory, October 21, 1904.

James E. Moran,

Hunton, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of October 16, asking why you and your children have not been approved, and stating that your father and all of your brothers and sisters have heretofore been approved.

In reply to your letter you are advised that on October 18, 1904, the Commission rendered its decision granting your application for enrollment as a citizen by blood of the Choctaw Nation, copy of which was forwarded you by registered mail on that date, together with a copy of the decision, to Hunton, Indian Territory.

On August 4, 1904, you were notified, at Bailey, Indian Territory, that it would be necessary, in the matter of the enrollment of your two children, Maud Ola and Georgie Minora Moran, as citizens by blood of the Choctaw Nation, for you to furnish the Commission with proof of birth of said children and for that purpose blanks were inclosed you.

You were also informed that it would be necessary for you to furnish evidence of your marriage to Fannie Moran, the mother of these children, but up to this time none of the evidence requested

J.R.M.--2.

until the evidence requested is supplied the Commission cannot determine the rights of your said children, Maude Ola Moran and Georgia Elnora Moran, as citizens by blood of the Choctaw Nation.

Respectfully,

Commissioner in Charge.

Enc.
2 B.C.

Choctaw D 774

Muskogee, Indian Territory, April 30, 1904.

James E. Moran,

Hunton, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of April 23, asking why the enrollment of yourself and your children has not yet been approved.

In reply to your letter you are advised that the Commission has not yet passed upon your application for the enrollment of yourself and your children, Maud Ola and Georgia Minora Moran, as citizens by blood of the Choctaw Nation. As soon as a decision is reached in this case you will be notified of the action taken therein.

You are further advised that it appears that you were living at the time of the approval of the act of the Choctaw Council admitting Elizabeth Moran and others to citizenship in the Choctaw Nation and that your name was not included in said act.

Respectfully,

Chairman.

Choctaw-D-774.

Muskogee, Indian Territory, August 4, 1904.

James E. Moran,

Bailey, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of your two daughters, Maud Ola Moran and Georgia Elnora Moran, as citizens by blood of the Choctaw Nation, it will be necessary for you to furnish the Commission with proof of birth of said children. For that purpose there are enclosed you herewith two blank affidavits, which you are requested to have filled out, properly executed and return to this office with as little delay as possible.

In having the same executed, be careful to see that all blanks are properly filled, all names written in full and that the notary public, before whom the same are acknowledged, attaches his name and seal to each affidavit. Signature by mark must be attested by two disinterested witnesses.

It will also be necessary in the matter of the enrollment of said children for you to furnish the Commission with evidence of your marriage to Fannie Moran, the non-citizen mother of these children.

You should give this matter your immediate attention as

7-B-774.

Muskogee, Indian Territory, October 28, 1904.

James E. Moran,

Hunton, Indian Territory,

Dear Sir:-

Receipt is hereby acknowledged of your letter of the 24th instant, enclosing the affidavits of Fannie Moran and L. Anable relative to the birth of your minor daughter Maude Ola Moran May 7, 1899. Also the affidavits of Fannie Moran and O. W. Semlers relative to the birth of your minor daughter Georgia Elnora Moran September 15, 1901, and the same have been duly filed with the records of the Commission as proof of birth of said children.

Receipt is also acknowledged of the marriage license and certificate of J. E. Moran and Fannie Kysar, and the same have been duly filed with the records of the Commission in support of the application for enrollment of the above named children as citizens by blood of the Choctaw Nation.

Respectfully,

Chairman.

J H M S

has been received.

Two blanks for the purpose of forwarding evidence of the birth of your children, together with envelope for the return thereof, are herewith inclosed, and you are requested to give this matter immediate attention.

In having the blanks executed be careful to see that all blank spaces are filled, all names written in full and that the notary public before whom the affidavits are acknowledged affixes his name and seal to each affidavit. Signatures by mark must be attested by two witnesses who can sign their own names.

Respectfully,

Chairman.

J B C
Enc.

Chec 5853 John Peak

record trans from check #180 oct 31/84y

5853

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---:---

In the matter of the application for the enrollment of John Prola as a citizen by intermarriage of the Choctaw Nation.

9-180.

Commission to the Five Civilized Tribes,

South McAlester, Indian Ter.

In the enrollment of John Prola as an intermarried Chickasaw; being sworn and examined by Com'r McKennon et al he states:

Q What is your name? A John Prola.

Q How old are you? A Thirty-six.

Q Did you make application to the Dawes Commission in 1896?

A Yes sir.

Q As a Choctaw? A No sir.

Q As a Chickasaw? A Yes sir.

(Com'r McKennon: Examine case 610 filed before Dawes Com., in 1896, to see if application is made as a Choctaw or a Chickasaw.)

Examined by Attorney Cole:

Q What year were you married to your wife? A In 1888.

Q What was her name? A Cornelia Benton.

Q Who was her father? A Peter Benton.

Q She was a Chickasaw by blood? A Yes sir.

Q How long did you live with her? A From the time I was married until 1891.

Q After you were married where did you reside? A Part in South McAlester and part in Hartshorne and Old McAlester.

Q During that time did you live with your wife all the time?

A Pretty near, yes sir.

Q You are separated from her now? A Yes sir.

Q And have been since 1891? A Yes sir.

Q She is still living? A Yes sir.

Q Tell the Commission how the separation took place? A The separation took place,- my wife was in a family way, and I took her to her father and she gave birth to a child, and I brought some

clothes, and she staid there three or four months, and first thing I heard about my wife run away from Mr. Benton's house with a negro, Philip King.

Q How long did she live with that negro? A I think she is living with him yet.

Q She never came back to you? A No sir.

Q I will ask in regard to your treatment of this woman?

A I treated her good all the time, just like a lady.

Q Did you ever whip her or abuse her or tell her to leave?

A No sir.

Q Were you always kind to her? A Yes sir.

Q Did you provide for her? A Yes sir.

Q Never gave her cause to leave you? A No sir.

Examined by Com'r McKennon:

Q Are you divorced from her? A I don't know sir.

Q You never applied for a divorce ? A No sir.

Q Have you married again? A No sir.

Q Did she apply for a divorce? A I suppose so; that's what I heard.

Q Did she get a divorce from you? A I never was in the court.

Q You don't know anything about that? A No sir.

Q Have you heard that she got a divorce? A Yes sir.

Examined by Cornish:

Q You were enrolled by this Commission at Stonewall last fall in the Chickasaw Nation? A Yes sir.

Q You applied to the Dawes Commission in 1896? A Yes sir.

Q Did you know at that time what the commission did with your application? A No sir.

Q Did they notify you that they admitted you as a Choctaw citizen? A No sir.

Q Did you understand at any time after that that you had been ad-

mitted as a Choctaw? A No sir.

Q Did you know when you applied in Stonewall last fall that you had been admitted as a Choctaw? A No sir.

Q Did you know you had been admitted in 1896 at all?

A Nossir.

Q How did you know? A Because they put me on the roll.

Q Did this Commission send you a notification that they had admitted you as a citizen? A No sir.

Q You made application as a Chickasaw in 1896 to this Commission? A Yes sir.

Q Did you ever hear from that application? A No sir.

Q You don't know that this Commission had acted upon your application? A I just went last fall to them.

Q I mean three years ago, in 1896? A No sir, I never went before them in 1896.

Q You never hit this woman, never struck her? A No sir.

Q Never mistreated her? A No sir.

Q Did she file a petition for divorce from you in the Indian Court? A I never heard about it.

Q Didn't you employ Judge Lewis to represent you in that divorce? A No sir, they tried to get the property away from me, and I employed him in that case.

Q Didn't you know that in that suit she was seeking to get a divorce from you? A No sir, I didn't know it until afterwards.

Q Did you know that she did get a divorce from you? A No sir, I heard about it afterwards.

Q Don't you know she charged you with cruelty and proved it in the court? A No sir.

Q Were you present in court at that time? A No sir.

Q You had Judge Lewis there? A I suppose he was there. That's all the thing I got,- she was to sue me for the property.

John Prola, #4)

Examined by Att'y Cole:

Q At the time she left you were you or were you not, living at your home here at South McAlester? A Yes sir.

Q And she left? A Yes sir.

Q Are you still living at that same home? A Yes sir.

Examined by Cornish, Chick. Att'y:

Q How long was it after the separation that she took up with the negro as you say? A We had never had any separation; I was going down to take her back home, she went to her father's to give birth to a child, and she was to come back to me in four or five days, I sent Mr. Davis and Mrs. Davis down with a hack to tell her to come up..

Q Where is she now living? A I don't know.

Examined by Att'y Cole:

Q Do you know about where she lives? A She lives between here and Hartshorne I guess.

Beter Benton, being sworn and examined, states:

(Captain Peter Maytubby, Interpreter:)

Q What is your name? A Peter Benton.

Q How old are you? A Fifty-five.

Examined by Att'y Cole:

Q Ask him if he is the father of John Prola's wife? A Yessir.

Q Ask him if he knows when John Prola married her? A Says he knows; he saw them married.

Q Ask him if he knows when John Prola left her,- I mean when she left John Prola, or about the separation? A He says he don't know what time.

Q Ask him if he knows how long John Prola and this woman lived together as man and wife? A He said they lived together a good while, but he don't know how long.

Q Ask him if he knows what year it was when she left him?
A Don't know.
Q Ask him if he knows where John Prola and his daughter were living when the separation took place? A John Prola had two places, and he said they was living at one place; says they had two places, and they was living at the other place.
Q Ask him near what town? A Says there was no town, South McAlester wasn't here yet when they built a house out there.
Q Ask him if it is where John Prola lives now? A No sir, says it is close by though.
Q Ask him if John's wife left him or did he leave his wife?
A They never separated, neither one left each other.
Q Ask him if John's wife didn't leave him? A He says she run off with a black man.
Q Ask him if she ever went back to Prola? A No sir.
Q Ask him if she is still living with that negro? A He says he was told that they was living together.
Q Ask him if he ever visited Prola and his wife while they were living together, quite often? A He says he used to visit them quite often.
Q Ask him how John Prola always treated his daughter? A He says he couldn't say, because he don't know.
Q Ask him if John's wife didn't tell him after she had left John that John was good and kind to her, and it wasn't John's fault that she was leaving? A He says she run off from there when she separated from him and he has never seen her since to talk to her about anything.
(William Anderson, Interpreter:)
Q Ask him that if just before she left John's house after the child was born, didn't John send for her to come home and she would not go, and she said that John was always good to her, and it was not his fault that she was not going back? A He didn't send

John Prola 46, Peter Benson witness)

for her, but he goes there himself backwards and forwards, and finally he says the woman left and went with him; said John Prola had to come up and see her backwards and forwards at the time.

(Imytubby, Interpreter)

Q Ask him if John's wife didn't tell him that Henry Trout caused her to leave John? A He says she told him that Trout told her to leave this man Prola; he said that they were not separated, but that Trout rather urged her to leave.

Q Ask him what reason Trout gave for it? A He don't know the reason.

(Anderson, Interpreter)

Q Ask him if at that time she didn't say it was John's fault, but that he put her up to it? A He says he don't care to go on any further with it, he is tired of it; says he don't want to tell any more, because they made up the papers to show how the circumstances was between John Prola and her.

Examined by Cornish:

(Imytubby, Interpreter:)

Q Did he have any understanding as to whether or not this man mistreated his daughter, and beat her and struck her while they were living together? A He don't know.

Q How long was she away from this man while she was at his house before she went off with a colored man? A He thinks it was over a month.

Q What is her name at this time, and where does she live?

A She goes by the same name she went by before, she goes by Prola's name.

Q Where does she live? A This side of Hartshorne.

Examined by Choc Com'r Lewis:

Q Ask him if he is a part Chickasaw? A Yes sir.

Q Ask him if his daughter's mother was a full-blood Chickasaw?

A Yes sir, he has been told that she was a Chickasaw.

John Prola, #71

Com'r McKennon:

The judgment of the Commission in 1896 is absolutely final against this applicant, and the taking of all further testimony is unnecessary.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

M D Green

Department of the Interior,
Commission to the Five Civilized Tribes,
South McAlester, Indian Territory, December 24,1902.

Chickasaw 180.
Intermarried.

In the matter of the application of John Prola for enrollment as an intermarried citizen of the Chickasaw Nation.

John Prola, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

Q What is your name? A John Prola.
Q How old are you? A Forty.
Q What is your post office address? A South McAlester.
Q How long have you been a resident of the Choctaw Nation? A About seventeen or eighteen years.
Q Have you lived here continuously for that length of time? A Yes sir.
Q Do you claim intermarried rights in the Chickasaw Nation? A Yes sir
Q What is the name of your Chickasaw wife through whom you claim these rights? A Cornelia Benson.
Q Is she a recognized and enrolled citizen of the Chickasaw Nation? A Yes sir.
Q Have her rights assuch ever been disputed? A No sir.
Q When were you married to this woman? A In 1888.
Q Where was the marriage ceremony performed? A Right at High Hill, Indian Territory.
Q Is that in the Choctaw Nation? A Yes sir.
Q At that time were both you and your wife bona fide residents of the Choctaw Nation? A Yes sir.
Q Were you married in accordance with the Choctaw tribal law? A Yes
Q Did you obtain a tribal license? A Yes sir.
Q From whom did you get that licebse? A From the cunty judge at McAlester.
Q How much did you pay for your license? A I paid one hundred dollars.
Q Who performed the marriage ceramony? A William James.
Q A minister? A Yes sir.
Q Were you ever married before your marriage to this woman? A No sir
Q Was she ever married before her marriage to you? A No sir.
Q After your marriage to Cornelia Benton how long did you live together continuously as husband and wife? A About three years or three and a half.
Q What happened at the end of that time? A My wife was in the family way and she wanted to go home to her daddy, and I went after her several times to come home, and the first thing I k nowed she run away with a nigger by name of Philip Keys to the Chickasaw Nation.
Q Was she ever married to this man? A I don't know.
Q Were you divorced from her? A No sir, I never got divorce.
Q Did she ever get a divorde from you? A I don't know whether she didor not.
Q That was three years after your marriage to her? A Yes sir.
Q Have you ever seen her since? A I have seen her, I went to her home one time and I tried to take the child, and went to the house, didn't go into the house, but they fetched the child out.
Q How long did you keep the child? A I didn't keep it at all, only an hour or two. She called for the child, it was on it four months old, and I sent it back to her.

Q What was your treatment of this wo man while you were living together? A It wasall right, I was a miner making plenty of money.
Q Did you ever mistreat her at all? A No sir.
Q There was nothing in your conduct which would cause her to wish to leave you? A No sir, her father sent to me and said you wife has run away with a nigger, and I want you to have him arrested, and I didhave him arrested by the Choctaw law.
Q Who did you have arrested? A Catherine Benton andPhilips Keys?
Q Her paramour? A Yes sir.
Q What was the charge you brought against them? A Living in adultery.
Q Did you substantiate that charge? A Yes sir, they plead guilty.
Q Were they ever punished for that? A Yes sir.
Q Did you ever beat this woman while she lived with you? A No sir
Q Your treatment of her was all it should have been as a husband?
A Yes sir.
Q Were you an applicant before this Commission in 1896 for admission to citizenship in the Choctaw Nation? A Yes sir.
Q You then applied as an intermarried Choctaw? A Intermarried Chickasaw.
Q Didn't you apply at that time as an intermarried Choctaw? A No intermarried Chickasaw.
Q Do you know what action was taken by the Commission at that time?
A It was passed.
Q Was your case ever appealed to the United States Court? A No sir
Q Have you ever been married since your separation from this woman
A No sir.
Q Are you at present an actual and bona fide resident of the Choctaw Nation? A Yes sir.

------oOo------

Harry C Risteen, being first duly sworn upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 24th day of December, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Harry C Risteen

Subscribed and sworn to before me this 19 day of January 1903.

Clarke M. Sawyer
Notary Public.

Marriage License.

Joel Proctor

Cornelia Benton

Granted this 7th day of December

1886

W. B. Pitchlynn

County and Probate Judge,
Pushmataha County, Choctaw Nation.

Recorded in Book (A) Page 520 Records
Court Records, 3

Joel Proctor & Cornelia Benton

Dec. 7th 1886

By W. B. Pitchlynn
Co. Judge

Dist. Clerk

Deputy

Received as Treasurer fee on the within License Dec 7 1885 and on March 17th $7.50 covering the all fees.

W. B. Pitchlynn
County Judge

Recorded in Book (A) Page 520 County Court Records, 3

John P. Brannon County Clerk
Johnson Co. Ok.
By Wm T. Stephens
Deputy.

License.

Pontotoc

Granted this 7th day of December 1885

W. B. Pitchlynn

County and Probate Judge, Pontotoc County, Chickasaw Nation.

Choctaw [illegible],

County of Tobu[illegible] } To any Minister of the Gospel, Judge or any Person in the Choctaw Nation, authorized to Solemnize the [illegible]rimony, GREETING:

Whereas John Pola, a non-citizen of the Choctaw Nation, has duly made application to the undersigned Judge of the County Court, within and for the county of Tobuckey C.N., for license to enter into the bonds of matrimony with one Minnie Bradfield Cornelia Benton a citizen of the Choctaw Nation; and the undersigned being satisfied that the said John Pola is a suitable person to be granted a license to enter into the bonds of matrimony with the said Minnie Bradfield Cornelia Benton doth therefore grant unto said John Pola a license to marry the said Minnie Bradfield Cornelia Benton and any minister of the gospel, or person authorized by law in the Choctaw Nation, is hereby authorized to join in matrimoney the said John Pola and the said Minnie Bradfield Cornelia Benton

[illegible]estimony whereof, I have hereto set my hand and seal, this 5th day of Dec 1887

W. B. Pitchlynn

County and Probate Judge, Tobuckey County, Choctaw Nation.

Murray's Steam Printing House, Des[illegible]

Affidavit of John Prola.

Pontotoc County,
Chickasaw Nation,
Indian Territory. } S.S.

My name is John Prola and I am the same John Prola named in the marriage license filed herewith. I was married to Cornelia Benton, named in said marriage license, on the 18th day of March 1888. We lived together as husband & wife for ~~four~~ more than five years. In September or October 1893 said Cornelia Prola, nee Benton left my home, of her own free will and accord, to visit her father in Coal County, Choctaw Nation, about fifteen miles from my place. She remained at her fathers house seven or eight months during which time she gave birth to a child. When her child was four or five months old she left her fathers house and in company with Philip King, a negro, went to the Chickasaw Nation where she now lives with said Philip King as his wife. As soon as I heard from her father that she had left his house I tried to induce said Cornelia Prola, nee Benton to return to my home but without avail.

John Prola

Subscribed and sworn to before me this 5th day of September, A. D. 1898

[signature]
Commissioner.

Jobuckay County } To any minister of the
Choctaw Nation } Gospel Judge or any other
person authorized to Solemnize
the rites of Matrimony in the Choctaw Nation
Greeting:

Whereas John Poolla, a non Citizen of the Choctaw Nation has duly made application to the undersigned Judge of the County Court of Jobuckay County C.N. for license to enter into the bonds of matrimony With one Cornelia Benton a Citizen of the Choctaw Nation and the undersigned being Satisfied that the said John Poola is a Suitable person to be granted a license to enter into the bonds of Matrimony with the said Cornelia Benton, Doth therefore grant- unto the said John Poola a license to Marry the said Cornelia Benton and any minister of the Gospel or any other person authorized by Law in the Choctaw Nation, is hereby authorized to join in matrimony the said John Poola and Cornelia Benton.

In Testimony Whereof I have hereunto set my hand and seal this 5th day of December 1887

W B Pitchlin
County Judge
Jobuckay County C.N.

over

In the Jobuckey County Choctaw Nation
This is to Certify that I did on this
18th day of March 1888 unite in
Marriage Mr John Bola and Miss
Cornilia Benton in accordance with
law and Custom

W. K. James
Minister of the Gospel

Received for record may 2nd 1888 and
recorded same day

John P. Coonce County Clerk
By W. J. Stephens Deputy

I. A. W. McClure Clerk in and for
the County of Jobuckey Choctaw
Nation do hereby Certify that
the above and foregoing is a true
and Correct Copy of the Original
Now on record in my Office in
Book A. Page 520 & 521 of Jobuckey
County Court record
In Testimony Whereof I have
hereunto set my hand and seal
as such Clerk aforesaid This
18th day of September 1898

A. W. McClure
Clerk

Indian Territory
Central District } ss

Personally appeared
before me the undersigned Notary Public
in & for said District & Territory Mrs Martha
Davis to me personally well known.
who being sworn states that she is of
lawful age and a resident of McAlester
I.T. That she is personally acquainted
with John Prola - that she was present
at the marriage of said John Prola and
Miss Cornelia Burton on the 18th day of March
1888. and that the said Cornelia Burton
was her step sister and a Chickasaw by
blood - She states further. that her (the said Cornelia Burton) father
name was Peter Burton that he was a
Chickasaw by blood. that Cornelia Burton
was the daughter of Peter Burton and
the affiants step sister - and that
Cornelia Burtons mother maiden name
was Silby Miller a Chickasaw by blood.
& the wife of Peter Burton.

Martha Davis

Subscribed & sworn to before me this
10th day of September 1898.

W.H. Mealey.
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
DEC 22 1903

CHAIRMAN.

John Prolo, being duly sworn according to law, on his oath says: I have decided to take my allotment in the Choctaw Nation and when my allotment is allowed by the Dawes Commision., I will proceed immediately thereafter to file on land in the Choctaw Nation as provided by the laws and treaties regulating allotments of land.

John Prolo

Subscribed and sworn to before me this 19th., day of December, 1903.

H. B. Milner

South McAlester, I. T. Notary Public.

Chickasaw 180.

In the matter of the enrollment of John Prola as an intermarried citizen of the Chickasaw Nation.

Protest of
Choctaw and Chickasaw Attorneys

Protest overruled by Dept. March 31.1904

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED

FEB 6- 1904

CHAIRMAN.

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of John Prola for enrollment as a citizen by intermarriage of the Chickasaw Nation, Chickasaw Field No. 180.

- - - - - - -

We hereby request, on behalf of the Choctaw and Chickasaw Nations, that final decision in this case be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of John C. Bradshaw vs. Choctaw and Chickasaw Nations, No. 3 on the Tishomingo Docket, in which the said court will decide the question of the validity of that portion of the intermarriage laws of the Chickasaw Nation providing for the forfeiture of citizenship of white persons who separate from their Indian spouses, which question is involved in the case to which this communication refers.

This request is filed under authority granted by the Honorable Secretary of the Interior in his communication to the Commission to the Five Civilized Tribes upon the subject, dated November 18, 1903.

Maynard, Murray & Cornish

Attorneys for the Choctaw & Chickasaw Nations.

January 23, 1904.

To Hon. F. A. Mitchell, Secretary of Interior,

Comes now John Prolo, a claimant for enrolment as a citizen of the Choctaw Nation, Indian Territory, and respectfully petitions your Honor to instruct the attorneys for the Choctaw and Chickasaw Nations, I. T. to withdraw their protest against his enrolment as such citizen for the following reasons, to wit:

The above mentioned protest filed before the Dawes Commission by the attorneys for the Choctaw and Chickasaw Nations, I. T. cites the case of Bradshaw et al, the said Bradshaw having married a Chickasaw Indian under the laws of the Chickasaw Nation and having separated from his Indian wife, or having abandoned his wife, as is stated in the protest, and there being a law in the Chickasaw Nation providing that where a non citizen marries a citizen and afterward separats from said citizen he forfeits his right to citizenship in the Chickasaw Nation and of course loses all consequent upon citizenship. The attorneys for the Choctaw and Chickasaw Nations have protested against the enrolment of John Prolo, your petitioner herein on the ground that he is an applicant for enrolment as a Chickasaw intermarried citizen of the Chickasaw Nation and has separated from his ~~Choctaw~~ Chickasaw wife. In the first place he is in no sense a Choctaw citizen and is not an applicant for enrolment as a Chickasaw citizen but as a Choctaw citizen. The record in his case shows that he was married under the laws and regulations of the Choctaw Nation, bought his license from the Choctaw Nation, paid one hundred dollars for it, and the rites were solemnized according to the requirements of the Choctaw Nation. He was also considered a citizen of the Choctaw Nation, participated in the annuities of the Choctaw Nation and was at one time tried in the Choctaw Courts under a charge of having violated a tribal law of the Choctaw Nation, was convicted and punished by the Court as a Choctaw citizen. Your petitioner was enrolled by the Dawes Commission after taking all ~~taking all~~ the evidence they desired and after being fully advised of all the facts in the case and pursuant to said enrolment instructed him to elect where he would take his allotment, furnish an affidavit

to that effect, which was done and after selecting his land the attorneys for the Choctaw and Chickasaw Nations filed a protest against his enrolment as above stated. Now your petitioner would respectfully ask that as his case does not come within the purview of the law governing citizenship in the Chickasaw Nation the attorneys for the Choctaw and Chickasaw Nations be instructed to withdraw their protest and allow your petitioner to file on his allotment. It is now far into the spring and he would like know what he may depend upon as early as possible, and as he entitled to enrolment under the laws regulating citizenship in the Choctaw Nation it is therefore but simple justice to him to be allowed to enter upon the privileges at once without further delay.

Respectfully yours,

John Cola

Subscribed and sworn to before me this 2nd. day of April, 1904.

M B Miller
Notary Public.

9-180.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of John Prola as a citizen by intermarriage of the Choctaw Nation.

--: D E C I S I O N :--

It appears from the record herein that on March 18, 1888 John Prola was married in accordance with the laws, customs and usages of the Choctaw Nation to Cornelia Prola (nee Benton), a recognized and enrolled citizen by blood of the Chickasaw Nation, whose name appears as Cornelia King, number 3900 upon the lists prepared by this Commission under the act of Congress approved July 1, 1902 (32 Stat., 641) of persons entitled to enrollment as citizens by blood of the Chickasaw Nation and approved by the Secretary of the Interior on December 12, 1902.

It further appears from the records of the Commission that on September 8, 1896, in the case entitled "John Prola vs. Choctaw Nation" (1896 Choctaw Citizenship Docket, case number 610), the applicant herein made original application to this Commission under the provisions of the act of Congress approved June 10, 1896 (29 Stat., 321) for admission to citizenship in the Choctaw Nation, claiming his right thereto by virtue of his marriage with the said Cornelia Prola (nee Benton), whom he stated was a regular recognized member by blood of the Choctaw tribe of Indians, and on December 2, 1896 said John Prola was by this Commission admitted to citizenship in the Choctaw Nation as a citizen by intermarriage, from which decision of the Commission no appeal was taken.

It further appears from the evidence in this case that the applicant herein was a resident in good faith of Indian Territory on June 28, 1898, and that his status as an intermarried citizen remained unchanged from the date of his said admission in 1896 up to and including September 25, 1902.

It further appears from the records in the possession of the Commission that the name of the applicant as John Prola is found upon the 1896 Chickasaw census roll of Chickasaws by intermarriage residing in the Choctaw Nation, page 82.

It further appears from the record herein that on December 12, 1903, the applicant herein, John Prola, filed his affidavit with this Commission and under the provisions of the act of Congress approved June 28, 1898 (30 Stat., 495) elected to be enrolled as a citizen by intermarriage of the Choctaw Nation, and to take his allotment of lands and distribution of moneys as a citizen by intermarriage of said nation.

It is, therefore, the opinion of this Commission that John Prola should be enrolled as a citizen by intermarriage of the Choctaw Nation under the provisions of the acts of Congress approved June 28, 1898 (30 Stat., 495) and July 1, 1902 (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory.

OCT 15 1904

Chickasaw 180.

Muskogee, Indian Territory, October 15, 1904.

COPY.

John Prola,

South McAlester, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered October, 15, 1904, granting your application for enrollment as a citizen by intermarriage of the Chickasaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling you as a citizen of the Chickasaw Nation. If at the expiration of that time no protest has been filed, your name will be placed upon the final rolls of the citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Tams Bixby.

Chairman.

Registered.
Incl. 9-180.

Chickasaw 190

Muskogee, Indian Territory, October 18, 1904.

COPY.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered October 18, 1904, granting the application for the enrollment of John Frala, as a citizen by intermarriage of the Chickasaw Nation.

You are hereby notified that you will be allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Chickasaw Nation. If at the expiration of that time no protest has been filed, his name will be placed upon the final rolls of the citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Tams Bixby.

Chairman.

Registered.
Incl. 9-190.

Chickasaw 180

Muskogee, Indian Territory, October 15, 1904.

COPY.

H. B. Milner,

Attorney at Law,

South McAlester, Indian Territory,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on October 15, 1904, rendered its decision, granting the application of John Proia for enrollment as a citizen by intermarriage of the Chickasaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Chickasaw Nation. If at the expiration of that time no protest has been filed, his name will be placed upon the final rolls of the citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Tams Bixby.

Chairman.

Registered.

Choctaw 8953

COPY.

Muskogee, Indian Territory, November 3, 1904.

John Prola,

South McAlester, Indian Territory.

Dear Sir:

You are hereby advised that the letter of October 15, 1904, transmitting a copy of decision in the matter of your enrollment as as intermarried citizen of the Choctaw Nation, which stated that your application had been granted as a citizen by intermarriage of the Chickasaw Nation, was erroneous, as said decision granted your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

[redacted]

Chairman.

Register.

Choctaw 0813

COPY.

Muskogee, Indian Territory, November 3, 1904.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that the letter of October 15, 1904, transmitting a copy of the decision in the matter of the enrollment of John Proia as an intermarried citizen of the Choctaw Nation, which states that his application had been granted as a citizen by intermarriage of the Chickasaw Nation, was in error, as said decision granted his application for enrollment as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

SIGNED

Tams Bixby

Chairman.

Choctaw 5853

COPY.

Muskogee, Indian Territory, November 3, 1904.

H. B. Milner,
Attorney at Law,
South McAlester, Indian Territory.

Dear Sir:

You are hereby advised that the letter of October 15, 1904, transmitting a copy of the decision in the matter of the enrollment of John Proia as an intermarried citizen of the Chickasaw Nation, which stated that his application had been granted as a citizen by intermarriage of the Chickasaw Nation, was in error, as said decision granted his application for enrollment as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

(SIGNED)
Tams Bixby
Chairman.

Registered.

Muskogee, Indian Territory,
August, 18th 1900.

John Prola,

So.McAlester, I.T.

Dear Sir,-

You are hereby notified that the Chickasaw Nation, through its attorneys, Messrs McKennon, Mansfield McMurray & Cornish, has filed with this Commission a notice of protest to your enrollment as a citizen of the Chickasaw Nation.

The Commission, commencing December, 3rd, 1900, hold a session at Atoka, Indian Territory. At that time both you and the Chickasaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Acting Chairman.

9-180

Muskogee, Indian Territory, September 18, 1900.

John Frolo,

Scut McAlester, Indian Territory.

Dear Sir:-

Since notifying you on August 18, 1900, of the protest filed by the Chickasaw Nation to your enrollment as a citizen of the Chickasaw Nation, the Commission has been furnished by the Nation with the grounds upon which objection is made to your enrollment. Upon examination of the records, the Commission finds that you were admitted by Dawes Commission as a Choctaw Indian.

The Commission is in possession of a sufficient statement of facts upon which a decision may be rendered and in your case it will not be necessary for you to appear at the appointment at Atoka beginning December 3rd, 1900.

The Commission will accept and consider any written arguments on questions of law submitted on behalf of the Chickasaw Nation at any time prior to February 1st, 1901, and on your behalf at any time prior to March 1st, 1901.

As soon thereafter as practicable the Commission will consider and finally determine your right to enrollment and the decision of the Commission, stating fully its reasons for any action that may be taken, will be mailed toyou.

Yours truly,

Acting Chairman.

8- -1

9 - 100

Muskogee, Indian Territory, September 30, 1903.

W. M. Milner,

Attorney at Law,

South McAlester, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 22rd instant, stating that John Frels, an intermarried Chickasaw citizen, has never received his certificate of enrollment and he requests that the same be forwarded to him at an early date, so that he may file on his allotment.

You are informed it appears from our records that John Frels is an applicant to this Commission for enrollment as an intermarried citizen of the Chickasaw nation, but no decision relative to his right to final enrollment as such has yet been rendered by the Commission. As soon as a decision is reached in his case due notice of the action taken therein by the Commission will be forwarded to him.

You are further informed that under provisions of the Act of Congress approved July 1, 1902, (32 Stat., 641), no citizen whose enrollment as such has not been approved by the Secretary

of the Interior can be permitted to select an allotment of land in the Choctaw and Chickasaw Nations.

Respectfully,

Chairman.

9-180

Muskogee, Indian Territory, November 5, 1903.

H. B. Milner,

South McAlester, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of October 26, asking that a decision be rendered in the citizenship claim of John Prola, in order that he may be able to file on his allotment if he is to receive one.

In reply to your letter you are informed that it appears from our records that John Prola is an applicant to the Commission for enrollment as an intermarried citizen of the Chickasaw Nation, but his final right to such enrollment has not yet been determined.

You are further advised that it appears from our records that John Prola was admitted by this Commission as an intermarried citizen of the Choctaw Nation, under the Act of Congress of June 10, 1896, but the Commission has not yet passed upon the application of John Prola as an intermarried citizen of the Choctaw or Chickasaw Nation. As soon as a decision is reached in his case he will be notified of the action taken therein.

Respectfully,

Chairman.

Chickasaw 180.

Muskogee, Indian Territory, December 18, 1903.

John Proia,

South McAlester, Indian Territory.

Dear Sir:

In the matter of your application for enrollment as a citizen by intermarriage of the Chickasaw Nation, it appears from the records of the Commission in your case that you were admitted by this Commission in 1896 as a citizen by intermarriage of the Choctaw Nation, claiming your right thereto by virtue of your marriage to your wife, Cornelia Proia (nee Benton). It also appears from the records in the possession of the Commission that the name of your former wife, which is now Cornelia King, appears upon the lists prepared by this Commission, under the act of Congress approved July 1, 1902, (32 Stat., 641), of persons entitled to enrollment as citizens by blood of the Chickasaw Nation, No. 3900, and whose enrollment as a Chickasaw was approved by the Secretary of the Interior December 12, 1902.

You are informed that before further consideration can be given your application for enrollment as a citizen by intermarriage of the Chickasaw Nation, it will be necessary for you to

J. P., 2.

furnish the Commission with your sworn statement of election, specifying in which Nation, Choctaw or Chickasaw, you desire to take your allotment of land, if found by this Commission to be entitled to allotment in either of said Nations.

This matter should receive your immediate attention.

Respectfully,

Chairman.

Chickasaw 190

Muskogee, Indian Territory, February 15, 1904.

John Frain,

South McAlester, Indian Territory.

Dear Sir:

You are hereby advised that under direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Choctaw and Chickasaw Nations dated January 23, 1904, no further action will be taken relative to your enrollment as an intermarried citizen of the Chickasaw Nation until the Commission is further instructed by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

Chickasaw 180

Muskogee, Indian Territory, March 4, 1904.

H. B. Milner,

South McAlester, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of March 1, asking the ground of the protest of the attorneys for the Choctaw and Chickasaw Nations to the enrollment of John Prola as an intermarried citizen of the Chickasaw Nation.

For your information there is inclosed herewith a copy of the protest of the attorneys for the Choctaw and Chickasaw Nations, of January 23, 1904, which was filed with this Commission February 6, 1904, in the matter of the application of John Prola for enrollment as an intermarried citizen of the Chickasaw Nation.

Respectfully,

Commissioner in Charge.

AB 3-4

Chickasaw 180

Muskogee, Indian Territory, April 7, 1904.

McKennon & Dean,

Attorneys at Law,

South McAlester, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of March 31, asking if one John Prola, of South McAlester, is a member of either the Choctaw or Chickasaw tribe or an applicant as such, and in reply you are advised that John Prola is an applicant for enrollment as an intermarried citizen of the Chickasaw Nation, but his final right to such enrollment has not yet been determined.

Respectfully,

Commissioner in Charge.

Chickasaw 180

Muskogee, Indian Territory, April 19, 1904.

M. B. Milner,

South McAlester, Indian Territory.

Dear Sir:

Your letter of April 2, 1904, addressed to the Secretary of the Interior has been, by him, referred to the Commission for consideration and appropriate action. You enclose therewith the petition of John Prola in which he prays the Secretary of the Interior to instruct the attorneys for the Choctaw and Chickasaw Nations to withdraw their protest against his enrollment as an intermarried citizen of the Chickasaw Nation.

In reply to your letter you are informed that, on March 31, 1904, the Secretary of the Interior overruled the protest of the attorneys for the Choctaw and Chickasaw Nations in the matter of the application of John Prola for enrollment as a citizen by intermarriage of the Chickasaw Nation, and the Commission will, as early as practicable, proceed with the disposition of this case.

The petition enclosed with your letter has been filed with the record in this case.

Respectfully,

Chairman.

Chickasaw
180

Muskogee, Indian Territory, April 30, 1904.

H. B. Milner,

South McAlester, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of April 23, stating that John Prelo wishes to file on the W2 of Section 30 T 5 R 14 E, and asking that his case be passed upon at an early date.

In reply to your letter you are advised that the Commission is taking up for consideration and determination as rapidly as practicable the applications of persons for enrollment as citizens of the Choctaw and Chickasaw Nations and as soon as a decision is reached in the matter of the application of John Prola for enrollment as an intermarried citizen of the Chickasaw Nation he will be notified of the action taken therein.

You are informed that you do not state whether the Township 5 referred to in the land described is Township 5 North or South of the base line. If you will furnish a correct description of the land desired by him, proper notation thereof will be made upon our records and he will be notified in the event any other person makes application therefor and will be permitted to institute contest proceedings.

Respectfully,

Chickasaw 130

Muskogee, Indian Territory, August 6, 1904.

E. B. Milner,
Attorney at Law,
South McAlester, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of August 2, asking the status of the case of John Proie.

In reply you are advised that the Commission is now considering the application of John Proie for enrollment as an intermarried citizen of the Chickasaw Nation, and when a decision is reached in this case you will be notified of the action therein.

Respectfully,

Commissioner in Charge.

9-180

Muskogee, Indian Territory, October 18, 1904.

H. B. Milner,
Attorney at Law,
McAlester, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of the 10th instant, requesting to be advised relative to the status of the application for enrollment of John Frolo, stating that you would be pleased to have his case considered as soon as possible.

You are advised that the Commission has not yet passed upon the application for enrollment of John Frolo as an intermarried citizen of the Chickasaw Nation. You are informed, however, that the same is now under consideration and when a decision is reached notice of the action taken therein will be forwarded to you and the applicant.

Respectfully,

Chairman.

9-180

Muskogee, Indian Territory, October 25, 1904.

H. B. Milner,
Attorney at Law.
McAlester, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of the 21st instant, requesting information relative to the enrollment of John Prolo as a citizen by intermarriage of the Chickasaw Nation.

You are informed that on October 15, 1904, the Commission rendered its decision granting the application of John Prolo for enrollment as a citizen by intermarriage of the Choctaw Nation, and his name will be probably be placed upon the next schedule of citizens by intermarriage of the Chickasaw Nation now being prepared for forwarding to the Secretary of the Interior for approval.

Respectfully,

Chairman.

Choc 5854 Nancy Tucker

Trans from Choc # 5273 Nov 3, 1904

1585

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment as a citizen by intermarriage of the Choctaw Nation of-

NANCY TUCKER 7-5273.

Choctaw Court Card O. 318

IN RE application of Nancy Tucker and others.

Common.

Nancy Tucker says:

Minnie D. was born May 24th 1898.

I married Joe Dibrell a Choctaw citizen. I was a U.S. citizen. After his death I married James A. Tucker a U.S. citizen, by whom I have one child. We were admitted by the Dawes Commission. My child was Minnie D. I have lived in the Chickasaw Nation 26 years with my family.

Duncan, Oct. 17 1898.

Nancy Tucker
Minnie Tucker

enrolled.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, Indian Territory,
February 10, 1904.

Choctaw 5273.
Choctaw R-311.

--------:--------

In the matter of the application for the enrollment of Nancy Tucker and James A. Tucker as citizens by intermarriage of the Choctaw Nation, and for the enrollment of Rosa L. Tucker, Roy E. Tucker, Otha C. Tucker, Claude A. Tucker and Minnie D. Tucker as citizens of the Choctaw Nation.

Said Nancy Tucker, being first duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION.

Q Your name is Nancy Tucker? A Yes, sir.
Q How old are you, Mrs. Tucker? A I will be forty-seven in August.
Q August, 1904? A Yes, sir.
Q What is your post-office address? A Duncan.
Q Chickasaw Nation? A Yes, sir.
Q What is your father's name? A My father's name -- I don't remember my father. His name was Stone but I don't really know his given name. I never remember of seeing my father.
Q He is dead, isn't he? A Yes, sir, been dead a long time.
Q Your mother's name? A Catherine Stone. She is living with me today.
Q Both were white people and citizens of the United States? A Yes, sir.
Q You do not claim any rights as an Indian by blood? A No, sir.
Q You claim as a citizen by intermarriage? A Yes, sir.
Q Through whom do you claim, Mrs. Tucker? A By my first husband.
Q What is his name? A Joseph Dibrell.
Q D-i-b-r-e-l-l? A Yes, sir.
Q When were you married to him? A I was married to him in 1875 -- the spring of '75.
Q Do you know the date? A The 4th day of March, 1875.
Q At the time of your marriage to Joseph Dibrell, were you and he both residents in good faith of the Choctaw Nation? A We were married in the Chickasaw Nation.
Q Were you and Joseph both residents of the Chickasaw Nation at the time of your marriage? A Yes, sir.
Q And had been for two years prior to that? A No, sir. I had not been two years. I had not been hardly a year.
Q Did you obtain a tribal license? A We didn't have no license only just had an ordained minister marry us and he gave us a certificate and it was recorded.
Q After your marriage to him in 1875 in the Chickasaw Nation, where did you reside? A We resided there on Red River in the Chickasaw Nation.

Q And you both lived together as husband and wife in the Chickasaw Nation from the time of your marriage up to when? A Up to the time he died.
Q When was that? A In 1883.
Q Was there any separation, abandonment or divorce during that time? A No, sir.
Q Did you have any children by him? A I had three.
Q What are their names? A Charlie Dibrell, James Dibrell and Nora Dibrell.

Said James Dibrell and Nora Dibrell are identified on Choctaw card, field number 408, and said Charles Dibrell is identified on Choctaw card, field number 137.

Q Was Mr. Dibrell married before he was married to you? A No, sir.
Q Were you married before that? A No, sir.
Q After his death, did you remarry? A Yes, sir.
Q Whom did you marry? A James A. Tucker.
Q What is your husband's middle name? A James Alfred.
Q Was Joseph Dibrell a recognized and enrolled citizen by blood of the Choctaw Nation? A Yes, sir.
Q What was the date of his death? A October, I think it was -- was November. I don't know positively, but it was in October 18, or November, 1883, as well as I remember. I have not got his age only just as I remember, or the dates. It is on his tomb.
Q To the best of your recollection it is October, 1883? A Yes, sir.
Q When did you marry James A. Tucker? A I married him in 1885.
Q Is he a white man? A Yes, sir.
Q Claims no rights as a citizen by blood of the Choctaw or Chickasaw Nation? A No, sir.
Q He claims his rights through you, does he? A Yes, sir.
Q Whatever rights he has, he claims through you? A Yes, sir.
Q Where were you married to James A. Tucker? A I was married in the Chickasaw Nation at Deering Springs.
Q Did you have a tribal license? A Yes, sir.
Q How much did you pay for it? A He paid fifty dollars, I think.
Q Have you a copy of your original marriage certificate with you? A Yes, sir. I have it here; that is, mine and Mr. Dibrell's. Pretty near torn up -- had it so long.
Q Do you wish to file this as evidence in your case? A Yes, sir.

There is offered in evidence the original certificate of marriage between J. B. Dibrell and Nancy Stone, signed by Levi Pickering, an ordained minister.

Q Is this Nancy Stone, mentioned in this marriage certificate, yourself? A Yes, sir.
Q And this J. B. Dibrell is Joseph Dibrell, through whom you claim? A Yes, sir.
Q And the father of these children, James, Charles and Nora Dibrell? A Yes, sir.
Q You have not got your marriage license and certificate to James A. Tucker, have you? A No, sir. He sent them off to be recorded after we was married and I don't believe he ever got them back. If he did, I don't know.
Q Were you married twice to him, James A. Tucker? A Yes, sir, I was married under the Chickasaw laws and under the Choctaw laws.
Q You were married to Mr. James A. Tucker first in 1885 under the Chickasaw law? A Yes, sir.

Q And then you remarried him under the Choctaw law? A Yes, sir.
Q On September 1, 1899? A Yes, sir.
Q That is true? A Yes, sir.

There is filed in jacket Choctaw R-311 a certified copy of the marriage license and certificate between James Tucker and Nacy Dibbell.

Q Is James Tucker, mentioned in this certified copy of a license, your husband? A Yes, sir.
Q And this Nacy Dibbell, so called here, is yourself? A Yes, sir.
Q When you married Tucker the first time in 1885, was he a resident in good faith of the Chickasaw Nation? A Yes, sir.
Q How long had he been a resident? A I don't really know.
Q A few years? A I suppose he had. He was living on the river and I was at Deering Springs. I don't know how long he had lived down there.
Q At the time of your marriage to him under the Choctaw law, where did he reside at that time? A We resided on Red River in the Choctaw Nation.
Q In the Choctaw Nation? A Yes, sir, part of the time and then up at Duncan the rest of the time.
Q Do you have property interests in the Choctaw and Chickasaw Nations? A No, sir, we don't own any in the Choctaw Nation.
Q How did you happen to get married in the Choctaw Nation? A We went down to Tishomingo and they claimed, you know, we was required to marry by the Choctaw laws and he went there and got a license and we was married there in ---
Q You were informed that it was necessary for you to comply with the Choctaw law and you married under that law? A Yes, sir.
Q Was there any separation, abandonment or divorce between the two marriages? A No, sir.
Q Has there been any separation since that time? A No, sir.
Q Have you any children by James A. Tucker? A Yes, sir, I have five.
Q What are their names? A The oldest one is Rosa Lee Tucker, Roy Edward Tucker, Otha Cowan Tucker, Claude Alfred Tucker and Minnie D. Tucker.
Q Was James A. Tucker married previous to his marriage to you? A No, sir.
Q You applied in 1896, did you? A Yes, sir.
Q Were you admitted? A I don't know. I thought I was, but I didn't know for certain.

Applicant was admitted in 1896, Choctaw Citizenship Case, number 298.

Q From which decision there was an appeal taken to the central district court? A That is what I learned. They said the Choctaw Indians took an appeal against me.
Q Appeal was taken to the United States Court at South McAlester and you were admitted there again, were you not? A Yes, sir, I think I was.
Q Do you know whether there was an appeal taken to the Choctaw and Chickasaw Citizenship Court for a trial de novo of the case? A No, sir, I don't know that I know much about it.

The records of the Commission show that no appeal was taken from the decree of said court, the Choctaw and Chickasaw

Citizenship Court, of December 17, 1902, annulling and setting aside the judgments of the United States Court in Indian Territory, in Choctaw and Chickasaw enrollment cases.

Q The child, Minnie D. Tucker, was not born at the time you made application in 1896? A No, sir.
Q Are these five children all alive now? A Yes, sir.
Q Is James A. Tucker living? A Yes, sir.
Q Were you and your husband and your five children all residents in good faith of the Chickasaw Nation on June 28, 1898? A Yes, sir
Q And did you and James A. Tucker live as husband and wife from the date of your marriage up to -- your marriage in 1885 -- and including September 25, 1902? A Yes, sir.

---------:---------

Wirt Franklin, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported all proceedings had in the above entitled cause at Muskogee, Indian Territory, On February 10, 1904, and that the above and foregoing is a full, true and correct transcript of his stenographic notes, taken in said cause.

Wirt Franklin

Subscribed and sworn to before me this 17 day of February, 1904.

Charles W. Lamar
Notary Public.

---------:---------

This is to certify that the undersigned celebrated the rights of matrimony between J. B. Gibrell and Nancy Stone this the fourth day of March 1875

Levi Pickering
Ordained Minister

I, Minerva M. Gilbert, stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and correct copy of the original now on file with this Commission.

Minerva M. Gilbert

Subscribed and sworn to before me this 10 day of May, 1904

Charles F. Lamyon
Notary Public.

Endorsed on back:

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

FEB 10 1904.

TAMS BIXBY, Chairman.

J. W. M.

[redacted]

I.T.D. 5246-1904.
6174-

August 8, 1904.

L. R. S.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

June 8, 1904, you transmitted the papers in the matter of the application of Clay McCoy for enrollment as a citizen by intermarriage of the Chickasaw Nation.

It appears that McCoy was married in 1896 to a citizen by blood of the Chickasaw Nation, in accordance with the laws of that nation; that his wife's name is now borne upon the rolls of the Chickasaw Nation prepared by you and approved by the Department, and that they have resided continuously in said nation since their marriage. In 1898 McCoy was "admitted" as a citizen by intermarriage by your Commission. Your decision was affirmed, in 1898, by the United States Court for the Southern District of Indian Territory. The decision of the United States Court was vacated, however, by a decree of the Choctaw-Chickasaw Citizenship Court rendered December 17, 1902, in the test case of J. T. Riddle vs. the Choctaw and Chickasaw Nations.

You express the opinion that your Commission is apparently without further jurisdiction or authority in the matter to determine McCoy's application. The request, however, inasmuch as

the cases of a number of applicants occupy an analogous status with that of Clay McCoy, that your Commission be specifically instructed as to what disposition should be made of such cases.

Reporting in the matter June 24, 1904, the Acting Commissioner of Indian Affairs recommends "that the Commission be advised that they are without authority to take action of any character looking to the enrollment of Clay McCoy, or any person similarly situated."

In an opinion rendered July 30, 1904, approved by the Department the same day, relative to the question submitted by you, the Assistant Attorney General for this Department concurred in the views of the Indian Office. A copy of his opinion is inclosed herewith, for your guidance, together with a copy of the Acting Commissioner's letter.

Respectfully,

Thos Ryan
Acting Secretary.

2 inclosures.

(COPY)

DEPARTMENT OF THE INTERIOR,

I.T.D. 6246-1904. Office of the Assistant Attorney-General, J.R.W. S.V.P.

Washington,

July 30, 1904.

The Secretary of the Interior,

Sir:

I received by reference of July 23, 1904, the papers in the application of Dr. Clay McCoy, for enrollment as a citizen, by intermarriage, of the Chickasaw Nation, transmitted by the Commission of the Five Civilized Tribes, with request for specific instructions for their guidance in similar cases. I am requested to render an opinion upon the case presented.

The record shows that McCoy, a white man, April 17, 1895, according to the usages and customs of the Chickasaw Nation, under a Chickasaw tribal license, married Sallie Goldsby, a recognized and enrolled citizen by blood of the Chickasaw Nation. She has been enrolled by the Commission, number 3905, of the rolls approved by the Secretary of the Interior, December 12, 1902. Since the marriage McCoy has lived continuously with her in the Chickasaw Nation.

Under the act of June 10, 1896 (29 Stat., 321), McCoy, August 29, 1896, applied to the Commission to be enrolled as a citizen by intermarriage, which was allowed, November 23, 1896, and the Chickasaw Nation alone appealed to the United States

Court, Southern District, Indian Territory, and by that court the judgment of the Commission was affirmed, March 15, 1898. Under the act of July 1, 1902 (32 Stat., 641), in a suit instituted by the Choctaw and Chickasaw Nations against J. T. Riddle and others, this judgment admitting McCoy to enrollment was vacated December 17, 1902. McCoy did not appeal or obtain certification of his case to the citizenship court under sections 31, 32, and 33 of the act of July 1, 1902 (32 Stat., 643-6), but, at suggestion of counsel for the Chickasaw Nation, given him December 24, 1902, applied to the Commission to the Five Civilized Tribes for enrollment. February 15, 1904, with reference to this and like cases, the Commission adopted a rule that:

> Resolved, that the status of those applicants in whose cases appeals to the Choctaw and Chickasaw Citizenship Court have not been taken be considered by the Commission without reference to any action by the United States Court in Indian Territory or by the Choctaw and Chickasaw Citizenship Court and that the original judgment as entered by the Commission to the Five Civilized Tribes in 1896 be held valid and in full force and effect.

The Choctaw and Chickasaw Nations objected, and such proceedings were taken that May 3, 1904, the Secretary of the Interior requested the opinion of the Attorney-General as to the effect of the decree of the citizenship court, who, May 9, 1904, rendered his opinion

> That annulment of the United States Court judgments affirming a favorable decision of the Commission to the Five Civilized Tribes upon an application for citizenship so far deprives the applicant of a favorable judgment as to devolve upon him the duty of causing his cause to be transferred to the Citizenship Court.

I am further of opinion that annulment of the United States Court Judgment did not revive and put into force and effect the judgment of the Commission to the Five Civilized Tribes admitting such person to citizenship and that enrollment by the Commission based upon such a theory would be a clear violation of the rights of the Indian nations.

The Commission to the Five Civilized Tribes expresses the opinion that:

In view of this recent opinion the Commission is apparently without further jurisdiction or authority in any manner to determine the application of Clay McCoy for enrollment as a citizen by intermarriage of the Chickasaw Nation. Seemingly his failure to appeal or have certified to the Choctaw and Chickasaw Citizenship Court the record in the case before the United States Court for the Southern District of the Indian Territory has so far deprived him of a favorable judgment as to prohibit his enrollment as an intermarried citizen of the Chickasaw Nation.

The Indian Office recommends that:

It is therefore respectfully recommended that the Commission be advised that they are without authority to take action of any character looking to the enrollment of Clay McCoy, or any person similarly situated.

My attention is by the letter of reference specially directed to sections 27, 28, and 34 of the act of July 1, 1902, supra, which sections, so far as here material, are as follows:

27. The rolls of the Choctaw and Chickasaw citizens and Choctaw and Chickasaw freedmen shall be made by the Commission to the Five Civilized Tribes, in strict compliance with the act of Congress approved June 28, 1898 (30 Stats., 495), and the act of Congress approved May 31, 1900 (31 Stats., 221), except as herein otherwise provided: Provided, That no person claiming right to enrollment and allotment and distribution of tribal property, by virtue of a judgment of the United States court in the Indian Territory under the act of June 10, 1896 (29 Stats., 321), and which right is contested by legal proceedings instituted under the provisions of this agreement, shall be enrolled or receive allotment of lands or distribution of tribal property until his

right thereto has been finally determined.

28. The names of all persons living on the date of the final ratification of this agreement entitled to be enrolled as provided in section 27 hereof shall be placed upon the rolls made by said Commission; . . . . . .

54. During the ninety days first following the date of the final ratification of this agreement, the Commission to the Five Civilized Tribes may receive applications for enrollment only of persons whose names are on the tribal rolls, but who have not heretofore been enrolled by said Commission, commonly known as "delinquents," and such intermarried white persons as may have married recognized citizens of the Choctaw and Chickasaw Nations in accordance with the tribal laws, customs and usages on or before the date of the passage of this act by Congress, . . .

McCoy was clearly a person whose right was "contested" within the meaning of section 27. Whether he was or was not made party to the representative suit contemplated by section 31, 32, 33, he had right to be made a party on application, and the judgment in the action operated to annul the favorable judgment that he before had recovered.

It is not my province to question the opinion of the Attorney-General herein rendered, May 9, 1904, supra; that opinion is conclusive in the present case. I therefore concur in the view expressed by the Indian Office.

Very respectfully,

Frank L. Campbell,
Assistant Attorney-General.

Approved: July 30, 1904.

Thos Ryan,
Acting Secretary.

(COPY)

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,

Land.
40496-1904.

Washington, June 24, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith a report from the Commission to the Five Civilized Tribes dated June 8, 1904, in which they say that Clay McCoy, a white man, who has resided in the Chickasaw Nation for 33 years last past, was married to Sallie Goldsby, a recognized and enrolled citizen of the Chickasaw Nation, on April 17, 1895; that said marriage was performed in accordance with the laws of the Chickasaw Nation, and was solemnized on April 17, 1895, by Rev. J. S. Murrow; that the applicant's wife has been enrolled as a citizen by blood of the Chickasaw Nation; that her name appears on the approved partial roll opposite No. 3905; that McCoy has lived in the Chickasaw Nation continuously since his marriage, and that he and his wife have lived together as husband and wife since said marriage; that under provisions of the act of June 10, 1896, Clay McCoy applied to the Commission for admission to citizenship in the Chickasaw Nation as an intermarried citizen, claiming right by virtue of his marriage to Sallie McCoy, nee Goldsby; that on November 23, 1896, the Commission rendered a decision admitting Clay McCoy as an intermarried

citizen of the Chickasaw Nation; that an appeal was taken from the Commission's decision, and that on March 18, 1898, the United States Court for the Southern District of the Indian Territory affirmed the Commission's decision.

They then say that by the decision of the Choctaw-Chickasaw Citizenship Court of December 17, 1902, in the test suit, that of the Choctaw-Chickasaw Nations vs. J. T. Riddle, et al., the judgment of the United States Court in the case mentioned was annulled and vacated; that after the rendition of the judgment mentioned Clay McCoy on December 22, 1902, addressed a communication to Mansfield, McMurray and Cornish, Attorneys for the Choctaw and Chickasaw Nations, relative to his status at that time as an intermarried citizen of the Chickasaw Nation, and that on December 24, 1902, they advised him as follows:

> "The decision of the Choctaw and Chickasaw Citizenship Court is that all 'court citizenship' judgments are void. The effect of this would be of course to leave the judgments of the Dawes Commission as they were before they were appealed from.
>
> As to whether or not the Commission would permit application for rehearing of this judgment we are unable to say but if desired we will for you to make such an application along the line suggested in your letter."

It is shown by said report that Clay McCoy did not appeal from the decision of the United States Court, or have certified to the Choctaw and Chickasaw Citizenship Court within the time prescribed by the Act of July 1, 1902 (32 Stats. 641), the record and proceedings in his case before the United States Court for the Southern District of the Indian Territory,

and that the Commission, at a session held at the general office at Muskogee, Indian Territory, on February 15, 1904, with reference to persons occupying an analogous status to that of Clay McCoy, adopted the following resolution:

> "Resolved that the status of these applicants in whose cases appeals to the Choctaw and Chickasaw Citizenship Court have not been taken be considered by the Commission without reference to any action by the United States Court in Indian Territory or by the Choctaw and Chickasaw Citizenship Court and that the original judgment as entered by the Commission to the Five Civilized Tribes in 1896 be held valid and in full force and effect."

To this action of the Commission the attorneys for the Choctaw and Chickasaw Nations entered objections, and all of the papers received with the Commission's report of February 15, 1903, concerning this subject were transmitted to the Department with office report of March 12, 1904. This office did not agree with the position taken by the Commission, and the Acting Attorney General, in an opinion dated May 9, 1904, said:

> "That annulment of the United States Court judgments affirming a favorable decision of the Commission to the Five Civilized Tribes upon an application for citizenship so far deprives the applicant of a favorable judgment as to devolve upon him the duty of causing his cause to be transferred to the Citizenship Court.
>
> I am further of opinion that annulment of the United States Court judgment did not revive and put into force and effect the judgment of the Commission to the Five Civilized Tribes admitting such person to citizenship and that enrollment by the Commission based upon such theory would be a clear violation of the rights of the Indian nations."

The Commission say that in view of this opinion

they are apparently without jurisdiction or authority in any manner to determine the application of Clay McCoy for enrollment as an intermarried citizen of the Chickasaw Nation, and ask for instructions in the premises.

The opinion of the Acting Attorney General is in plain and unmistakable language. He says that it was the duty of all persons who had favorable court judgments, which judgments were annulled by the decision in the test suit, to appeal to the Citizenship Court within the time prescribed by the supplemental agreement, and that the duty of causing the record and proceedings had in the United States Court to be transferred to the Citizenship Court was incumbent upon the applicant, and that by a failure to cause such transfer to be made within the time prescribed by law the applicant was not entitled to enrollment. Under this opinion it is evident that in cases of the character of the one under consideration the Commission has no power or authority in the premises, and that the Department has no duty to perform.

It is therefore respectfully recommended that the Commission be advised that they are without authority to take action of any character looking to the enrollment of Clay McCoy, or any person similarly situated.

Very respectfully,

A. B. Kenney,
Acting Commissioner.

WMcK.

HF.

7-5273

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---:---

In the matter of the application for the enrollment of Nancy Tucker as a citizen by intermarriage of the Choctaw Nation.

It appears from the records of the Commission to the Five Civilized Tribes that on September 8, 1896, in the case entitled "James A. Tucker, et al., vs. Choctaw Nation" (1896 Choctaw Citizenship Docket, case number 298), the applicant, Nancy Tucker, made original application to said Commission under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321), for admission to citizenship in the Choctaw Nation, and on December 2, 1896, the said Nancy Tucker was by the Commission to the Five Civilized Tribes admitted to citizenship in the Choctaw Nation as a citizen by intermarriage. From this decision of the Commission an appeal was taken by the Choctaw Nation to the United States Court for the Central District of Indian Territory, which court, in the case entitled "James A. Tucker, vs. Choctaw Nation" (citizenship case number 237), affirmed the decision of the Commission admitting the said Nancy Tucker as an intermarried citizen of the Choctaw Nation.

It further appears from the records in the possession of the Commission that on December 17, 1902, the Choctaw and Chickasaw Citizenship Court, created by the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), "set aside, annulled, vacated and held for naught" the aforesaid judgment of the United States Court for the Central District of Indian Territory. Said cause has not been appealed or certified to the said Choctaw and Chickasaw Citizenship Court for a trial de novo within the time prescribed by the provisions of said Act of Congress approved July 1, 1902.

In accordance with the opinion of the Acting Attorney General dated May 9, 1904 (I. T. D. 3824-1904), and the opinion of the Assistant Attorney General for the Department of the Interior dated July 30, 1904 (I. T. D. 5246-1904), the Commission to the Five Civilized Tribes is without authority to take any action of any character looking to the enrollment of Nancy Tucker as a citizen by intermarriage of the Choctaw Nation, and it is therefore hereby ordered that the application of Nancy Tucker for enrollment as a citizen by intermarriage of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory.

SEP 23 1904

Chairman.

7-1671

COPY.

Muskogee, Indian Territory, September 23, 1904.

Nancy Tucker,

Duncan, Indian Territory.

Dear Madam:

There is enclosed you herewith a copy of the order of the Commission to the Five Civilized Tribes, of September 23, 1904, dismissing the application for your enrollment as a citizen by intermarriage of the Chectaw Nation.

You are advised, however, that the Secretary of the Interior, on September 7, 1904, directed the Commission to withhold from allotment until further instructed the homes and improved lands for such persons whose names appear upon the tribal rolls of the Choctaw and Chickasaw Nations, and who were admitted by the Commission to the Five Civilized Tribes under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321), and by the United States Court on appeal, and whose cases were not certified or appealed to the Choctaw and Chickasaw Citizenship Court for a trial de novo within the time prescribed by the Acts of Congress approved July 1, 1902, (32 Stats., 641), and March 3, 1903, (32 Stats., 982).

You are further advised that if you are the owner of improvements in the Choctaw or Chickasaw Nation, you will be allowed thirty days from the date hereof within which to appear before the

E T S

Land Office of the Commission for the Nation in which such improvements are located, in order that your rights may be protected as contemplated by the Secretary of the Interior, under the directions of September 7, 1904, above referred to.

Respectfully,

[redacted]

Tams Bixby.

Chairman.

Registered.

Enc. 7-5273

7-5273

COPY.

Muskogee, Indian Territory, September 23, 1904.

Gilbert & Gilbert,

Attorneys-at-Law,

Duncan, Indian Territory.

Gentlemen:

There is enclosed you herewith a copy of the order of the Commission to the Five Civilized Tribes, of September 23, 1904, dismissing the application for the enrollment of Nancy Tucker as a citizen by intermarriage of the Choctaw Nation.

You are advised, however, that the Secretary of the Interior, on September 7, 1904, directed the Commission to withhold from allotment until further instructed the homes and improved lands for such persons whose names appear upon the tribal rolls of the Choctaw and Chickasaw Nations, and who were admitted by the Commission to the Five Civilized Tribes under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321), and by the United States Court on appeal, and whose cases were not certified or appealed to the Choctaw and Chickasaw Citizenship Court for a trial de novo within the time prescribed by the Acts of Congress approved July 1, 1902, (32 Stats., 641), and March 3, 1903, (32 Stats., 982).

You are further advised that if the applicant herein is the owner of improvements in the Choctaw or Chickasaw Nation, she

will be allowed thirty days from the date hereof within which to appear before the land office of the Commission for the Reting in which such improvements are located, in order that her rights may be protected as contemplated by the Secretary of the Interior under the directions of September 7, 1906, above referred to.

Respectfully,

Jesse Bixby,
Chairman.

Registered.
Enc. 7-5273

7-5273

COPY.

Muskogee, Indian Territory, September 23, 1904.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

There is enclosed you herewith a copy of the order of the Commission to the Five Civilized Tribes, of September 23, 1904, dismissing the application for the enrollment of Nancy Tucker as a citizen by intermarriage of the Choctaw Nation.

You are advised, however, that the Secretary of the Interior, on September 7, 1904, directed the Commission to withhold from allotment until further instructed the homes and improved lands for such persons whose names appear upon the tribal rolls of the Choctaw and Chickasaw Nations, and who were admitted by the Commission to the Five Civilized Tribes under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321), and by the United States Court on appeal, and whose cases were not certified or appealed to the Choctaw and Chickasaw Citizenship Court for a trial de novo within the time prescribed by the Acts of Congress approved July 1, 1902, (32 Stats., 641), and March 3, 1903, (32 Stats., 982).

You are further notified that if the applicant herein is the owner of improvements in the Choctaw or Chickasaw Nation, she will be allowed thirty days from the date hereof within which to

[redacted]

[redacted] hereby [redacted] of the Commission for the Review of [redacted] and Compromises Act, 1919, that [redacted] be received as contemplated by the Secretary of the Treasury [redacted] the direction of September 7, 1920, [redacted] referred to.

[redacted]

Very truly yours,

Terre Haute,
Chairman.

Mail 5273

7-2454

Muskogee, Indian Territory, September 6, 1904.

Emmor Tucker,

Durgan, Indian Territory.

Dear Madam:-

You are hereby advised that the Choctaw and Chickasaw citizenship court has certified to the Commission its decree of October 24, 1904, admitting you as an intermarried citizen of the Choctaw Nation.

You are therefore required to return to this office the order of the Commission of September 22, 1904, dismissing your application for enrollment as an intermarried citizen of the Choctaw Nation, and our letter of that date transmitting the same.

Very truly,

Chairman.

7-5854

Muskogee, Indian Territory, November 4, 1904.

Gilbert & Gilbert,

Attorneys at Law,

Duncan, Indian Territory.

Gentlemen:-

You are hereby advised that the Choctaw and Chickasaw citizenship court has certified to the Commission its decree of October 24, 1904, admitting Nancy Tucker as an intermarried citizen of the Choctaw Nation.

You are therefore requested to return the order of the Commission of September 23, 1904, dismissing the application of Nancy Tucker for enrollment as an intermarried citizen of the Choctaw Nation, together with our letter of that date transmitting the same.

Respectfully,

Chairman.

7-5554

Muskogee, Indian Territory, November 4, 1904.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations.

South McAlester, Indian Territory.

Gentlemen:-

You are hereby notified that the Choctaw and Chickasaw citizenship court has certified to the Commission its decree of October 24, 1904, admitting Nancy Tucker as an intermarried citizen of the Choctaw Nation.

You are therefore requested to return the order of the Commission of September 23, 1904, dismissing the application of Nancy Tucker for enrollment as an intermarried citizen of the Choctaw Nation, together with our letter of that date transmitting the same.

Respectfully,

Chairman.

Choctaw 5273.

Muskogee, Indian Territory, March 27, 1903.

Gilbert & Gilbert,

Attorneys at Law,

Duncan, Indian Territory,

Gentlemen:

Receipt is hereby acknowledged of your letter of March 23, asking the status of the citizenship of Mrs. Nancy Tucker, and whether our records show her to be a court claimant or that her claim was allowed by this Commission and never appealed to the United States Court.

In reply to your letter you are advised that it appears from our records that Nancy Tucker was admitted as an intermarried citizen of the Choctaw Nation by a judgment of the United States Court for the Central District of the Indian Territory, rendered at South McAlester, January 18, 1898, in court case, citizenship docket Number 237, on appeal from a decision of this Commission admitting the said Nancy Tucker as an intermarried citizen of the Choctaw Nation under the act of Congress of June 10, 1896.

The vacation of the judgments of the United States Courts in Indian Territory, admitting persons to citizenship in the Choctaw and Chickasaw Nations, by the decree of the "Choctaw-Chickasaw Citizenship Court" of December 17, 1902, would presumably leave in effect

[redacted]

[redacted]

[redacted]

7-5273

7-0-318

COPY.

Muskogee, Indian Territory, December 21, 1903.

Nancy Tucker,

Duncan, Indian Territory.

Dear Madam:

You are hereby advised that on Monday, January 11, 1904, at nine o'clock A. M. at the office of the Commission to the Five Civilized Tribes, at Muskogee, Indian Territory, oral argument will be heard by the Commission on the question of its jurisdiction to now enroll as citizens of the Choctaw and Chickasaw Nations those persons admitted to citizenship in these two nations by the Commission under the provisions of the act of Congress approved June 10, 1896, and where an appeal was taken from such decisions to the United States Courts for the Southern and Central Districts of the Indian Territory.

These decisions of the Commission being subsequently affirmed by judgments of the United States Courts and such judgments vacated and held to be null and void by the decree of the Choctaw and Chickasaw Citizenship Court of December 17, 1902: and such persons not having appealed or had certified to the Choctaw and Chickasaw Citizenship Court their cases for a trial de novo, it is contended by the attorneys for the Choctaw and Chickasaw Nations that by the nullification of the judgments of the United States Courts

by the decree of the Choctaw and Chickasaw Citizenship Court of December 17, 1902, the rights of such persons to citizenship in the Choctaw and Chickasaw Nations under the provisions of the Commission became extinguished.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

7-5273

Muskogee, Indian Territory, January 18, 1904.

Nancy Tucker,

Duncan, Indian Territory.

Dear Madam:

In the matter of your application for enrollment as a citizen by intermarriage of the Choctaw Nation, you are hereby notified that, before further consideration can be given your application, it will be necessary for you to appear in person before the Commission at its office in Muskogee, Indian Territory, to testify as to your status as an intermarried citizen of the Choctaw Nation on September 25, 1902.

Respectfully,

Chairman.

Choctaw 3273.

Muskogee, Indian Territory, January 28, 1904.

Gilbert & Gilbert,

Attorneys at Law,

Duncan, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of January 25, relative to our communication of January 16 addressed to Mrs. Nancy Tucker of Duncan, Indian Territory. You ask if it will be necessary for her to bring any additional testimony aside from her own, and along what lines it will be necessary to introduce evidence.

In reply to your letter you are advised that Nancy Tucker was admitted as an intermarried citizen of the Choctaw Nation by the United States Court for the Central District of the Indian Territory, on appeal from a favorable decision of this Commission under the provisions of the act of Congress of June 10, 1896, and did not take an appeal in her case to the Choctaw and Chickasaw Citizenship Court created under the provisions of the act of Congress of July 1, 1898.

Her testimony relative to her status from the time of her admission by the Commission and the United States Court up to and including September 25, 1902, the date of the final ratification of the act of Congress of July 1, 1902, has been secured, and it

is this testimony which is now desired.

Respectfully,

Commissioner in Charge.

Nancy Jacken,
Minnie D. "
born May 24th 1898
Not in dead

0318

Choc
Ab Ne 237. Jan 18th 1898

Note: a United States citizen married with Joe Debard a Choctaw citizen - after his death she intermarried with James a Jacken a United States citizen by whom she has 4 children admitted by Dawes Commission + child Minnie D. Above born

Has resided in Cherokee
Nation 26 years

W.O.B.

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BEALL,
Secretary

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
7-8273

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, September 23, 1904.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

There is enclosed you herewith a copy of the order of the Commission to the Five Civilized Tribes, of September 23, 1904, dismissing the application for the enrollment of Nancy Tucker as a citizen by intermarriage of the Choctaw Nation.

You are advised, however, that the Secretary of the Interior, on September 7, 1904, directed the Commission to withhold from allotment until further instructed the homes and improved lands for such persons whose names appear upon the tribal rolls of the Choctaw and Chickasaw Nations, and who were admitted by the Commission to the Five Civilized Tribes under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321), and by the United States Court on appeal, and whose cases were not certified or appealed to the Choctaw and Chickasaw Citizenship Court for a trial de novo within the time prescribed by the Acts of Congress approved July 1, 1902, (32 Stats., 641), and March 3, 1903, (33 Stats., 982).

You are further notified that if the applicant herein is the owner of improvements in the Choctaw or Chickasaw Nation, she will be allowed thirty days from the date hereof within which to

[redacted]

[redacted]

appear before the Land Office of the Commission for the Nation in which such improvements are located, to enter that her rights may be protected as contemplated by the Secretary of the Interior under the direction of September 7, 1934, above referred to.

Respectfully,

Chairman.

Incl. T-8273.

W. O. B.

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
7-6678

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, September 23, 1904.

Nancy Tucker,

Duncan, Indian Territory.

Dear Madam:

There is enclosed you herewith a copy of the order of the Commission to the Five Civilized Tribes, of September 23, 1904, dismissing the application for your enrollment as a citizen by intermarriage of the Choctaw Nation.

You are advised, however, that the Secretary of the Interior, on September 7, 1904, directed the Commission to withhold from allotment until further instructed the homes and improved lands for such persons whose names appear upon the tribal rolls of the Choctaw and Chickasaw Nations, and who were admitted by the Commission to the Five Civilized Tribes under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321), and by the United States Court on appeal, and whose cases were not certified or appealed to the Choctaw and Chickasaw Citizenship Court for a trial de novo within the time prescribed by the Acts of Congress approved July 1, 1902, (32 Stats., 641), and March 3, 1903, (32 Stats., 982).

You are further advised that if you are the owner of improvements in the Choctaw or Chickasaw Nation, you will be allowed thirty days from the date hereof within which to appear before the

E T S

Land Office of the Commission for the Nation in which such improvements are located, in order that your rights may be protected as contemplated by the Secretary of the Interior, under the directions of September 7, 1904, above referred to.

Respectfully,



Chairman.

Registered.

Enc. T-8373

7-6884.

Muskogee, Oklahoma, January 31, 1909.

Mrs. Nancy Tucker,

Duncan, Oklahoma.

Madam:

There is enclosed you herewith marriage certificate between yourself and your husband, J. B.Dibrell, a copy of which has been made and retained with the records of this office.

Respectfully,

(Official Title) Commissioner.

Choc 5855 John J. Loyd

Trans from Choc AD-81 Nov 26, 1924

5855

Commission to the Five Civilized Tribes,
Atoka, Indian Territory.

In the matter of the application of JEFF LOYD for enrollment as an intermarried Choctaw citizen. Ben Frazier, being sworn by Commissioner McKennon, testifies as follows:

(Judge Dukes, Interpreter.)

Q What is your name? A Ben Frazier.

Q How old are you? A Forty-one.

Q Do you know the wife of Jeff Loyd?

A Yes.

Q What is her name? A Asa.

Q What was her name before he married her?

A Asa Frazier.

Q How old is she? A About twenty-five, I guess.

Q Was her mother a Choctaw? A Yes.

Q What relation was she to you? A My brother's daughter.

Q His brother and his wife both Choctaws? A Yes sir.

Q The father and mother of Asa? A Both Choctaws.

Q What degree of blood has Asa? A Full-blood.

SOPHY NICHOLS, being sworn by Commissioner McKennon, testifies as follows:

(Dukes, Interpreter.)

Q What is your name? A Sophy Nichols.

Q How old? A Forty-five.

Q Do you know the wife of Jeff Loyd? A Yes, Asa Frazier.

Q What relation is she to you? A Grand-child.

(Jeff Loyd, #2)

Q Was she the daughter of her brother or sister?

A It is her uncle's daughter's daughter.

Q Is Asa a Choctaw? A Yes.

Q Is she full-blood or half-breed? A Full-blood.

Asa is not known by any other name except Asa. She never heard of the name of Isabel.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

M. D. Green

Y-D-131.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY.
JULY 6, 1904.

In the matter of the application for the enrollment of J. J. Loyd as a citizen by intermarriage of the Choctaw Nation.

John J. Loyd, being first duly sworn on his oath, testified as follows:

Examination by the Commission:

Q What is your name? A John J. Loyd.
Q What is your post office address? A Paula Valley.
Q Father and mother both white people? A Yes sir.
Q Citizens of the United States? A Yes sir.
Q Either of them ever claim any rights as a Choctaw by blood?
A None at all.
Q Did you? A No.
Q Or as a Chickasaw? A No sir.
Q You white man? A Yes sir.
Q Claim as an intermarried citizen, do you? A Yes sir.
Q Of what Nation? A Choctaw Nation.
Q Through whom do you claim your rights as an intermarried citizen? A Miss Frazier.
Q Was she a Choctaw by blood? A Yes sir.
Q What is her father's name? A Louis Frazier.
Q Her mother's name? A I could not tell you her mother's name; she is dead.
Q When were you married to Miss Frazier? A September 16, 1897.
Q By whom were you married? A Robert Frazier.
Q Who is he? A Choctaw.
Q Minister of the Gospel? A Yes sir.
Q Where were you a resident at the time of your marriage to Miss Frazier? A Cedar County, Choctaw Nation.
Q How long had you been living in Cedar County at the time of your marriage to Miss Frazier? A About five years.
Q Where was she a resident at that time? A She was a resident of the Choctaw nation at the time I married her.
Q Was she your first wife? A Yes sir. I had been married once before.
Q To whom were you married before that? A Why a lady.
Q To whom? A Cathy Rogers.
Q She white woman? A Yes sir.
Q Was she dead at the time you married Miss Frazier? A No sir.

Q Were you divorced from her? A Yes sir.
Q Where did you procure a divorce? A Antlers, Choctaw Nation.
Q You have not filed any evidence of divorce in your case?
A No sir.

It will be necessary for you, Mr. Loyd, in the matter of your enrollment as an intermarried citizen of the Choctaw Nation that you file with the Commission a certified copy of the Bill of Divorce between you and your former wife, Catha Loyd, you will file that at your earliest convenience at this office.

Q Were you married to any body else before to Elsa Frazier?
A No sir.
Q Was Elsa Frazier married before she married you?
A No sir.
Q How long did you and Elsa Frazier live together as husband and wife? A We married in September and she died March 5, 1898.
Q Where did you and she live together as husband and wife? Choctaw Nation? A Yes sir.
Q After her death did you re-marry? A Yes sir.
Q To whom did you re-marry? A Sarah Frazier.
Q What was her parents' name? A Her father's name was Edgar.
Q Her mother's? A I do not recollect that.
Q Wicey Frazier? A Yes sir.

Sarah Loyd, the second choctaw wife of the applicant, is identified upon Field Card 989 and is number 2604 upon the Final Roll, approved December 12, 1902.

Q When did you marry her? A In 1898.
Q What date? A It was February 7, 1899.
Q Was she married before married to you? A No sir.
Q Where did you marry her? A Cedar County.
Q Choctaw Nation? A Yes sir.
Q Where were you both residents at that time? A Cedar County, Choctaw Nation.
Q After your marriage to Sarah Loyd how long did you and she live together as husband and wife? A About six months.
Q Then what took place? A She went to her folks.
Q Did you leave her or she leave you? A She left me.
Q Did she give any reason for it? A She wanted to stay with her folks and I did not want to go.
Q Did you provide for her? A I did.
Q Did you support her after she left you? A No sir.
Q Did you try to get her back? A I took her back once and she stayed two weeks and went off again.
Q How long had she away when she came back? A About two months.
Q She stayed two weeks and went back home? A Yes sir.

Q Are you divorced? A Yes sir.
Q Did she obtain the divorce or you? A I did.
Q Where? A Atoka, Choctaw Nation.
Q Tribal Court? A District Court.
Q When were you divorced from her? A In 1898.
Q When? A December, 1900.
Q Have you married again? A Yes sir.
Q When was last marriage? A 1901.
Q To whom were you married then? A Catha Green.
Q She white woman? A Yes sir.
Q You living with her now? A Yes sir.
Q When did you first come to live in the Choctaw Nation?
A When did I first come to live in the Choctaw Nation? In '92.
Q Since your marriage to Elsa Frazier in 1897 up to and inclusive of September 25, 1902 where have you lived?
A In Choctaw and Chickasaw.
Q When did you move to the Chickasaw Nation? A In '99.
Q After your marriage to Sarah? A Same fall.
Q You have been a resident in good faith of the Choctaw-Chickasaw country since your marriage to Elsa Frazier up to and inclusive of September 25, 1902? A Yes sir.
Q And you are now a bona fide resident of the Choctaw and Chickasaw Nations? A Yes sir.
Q Was your wife, Elsa Frazier, ever known by any other name? A She was known at Wheelock Academy as "Asa".
Q Was she ever known as Isabel Frazier? A No more than I saw it on the Pay Roll when she drew money in 1893.
Q You were married to Elsa Frazier under a Choctaw tribal license? A Yes sir.
Q You did not marry Sarah Frazier under Choctaw license?
A No sir.
Q And you did not marry your last wife under tribal license?
A No sir.
Q Your last wife not an applicant? A No sir.
Q What relation was Sarah Frazier to Elsa Frazier?
A Cousin.
Q First cousin? A Yes sir.
Q How old was your wife at the time you married her?
A I think eighteen.
Q Did you ever hear her called Isabel? Or known as Isabel?
A No sir. Either Elsa or Asa the only name ever I heard till I got to looking for her on the pay Roll.
Q Do you know whether your wife, Elsa Frazier, drew money in 1893? A She told me she did, yes sir.
Q You claim that Isabel Frazier on page 45, number 477, age fourteen, Choctaw Leased District Payment Roll, Cedar County, is your wife? A Yes sir.
Q To whom was this payment made? A To Edward Frazier.
Q Who is Edward Frazier? A Uncle and also appointed as her guardian.
Q By the Court? A Yes sir. Choctaw Court.
Q This Edward Frazier is also, is he not the father of your second Choctaw wife, Sarah Frazier? A Yes sir.
Q Did Edward Frazier himself tell you he drew this money for her? A No sir.
Q R. S. Frazier is also an uncle of your wife, Elsa Frazier
A Yes sir.

J. Loyd, --4.

Q. Is at present. Yes sir. A Was that Christmas, I have not heard since Christmas.
Q. Was Sheriff of Cedar County? A Yes sir.
Q. He also is the one that married you? A Yes sir.

Daisy D. Daubin, being first duly sworn upon her oath, states, That as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 5th day of July, 1904, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Daisy D. Daubin

Subscribed and sworn to before me this 11th day of July, A.D., 1904.

Charles F. Lawyer
Notary Public.

WF.

7-D-131.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of John J. Loyd as a citizen by intermarriage of the Choctaw Nation.

-: D E C I S I O N :-

It appears from the record herein that on September 16, 1897, the applicant, John J. Loyd, was married in accordance with the laws, customs and usages of the Choctaw Nation to Elsa Loyd (nee Elsa , Asa or Isabel Frazier), a recognized and enrolled citizen by blood of the Choctaw Nation, who is identified upon the 1893 Leased District Pay Roll, Cedar County, page 45, number 477; that at the time of said marriage both persons above mentioned were residents in good faith of the Choctaw Nation; that they lived together as husband and wife continuously from the date of said marriage until the death of the said Elsa Loyd, March 5, 1898; that thereafter the applicant was married to Sarah Loyd (nee Frazier) a recognized and enrolled citizen by blood of the Choctaw Nation, whose name appears as number 2604 upon the lists prepared by this Commission, under the act of Congress approved July 1, 1902 (32 Stat., 641), of persons entitled to enrollment as citizens by blood of the Choctaw Nation and approved by the Secretary of the Interior on December 12, 1902; that the applicant and the said Sarah Loyd, were at the time of said marriage residents in good faith of the Choctaw Nation and resided together as husband and wife continuously for about six months when they separated and were subsequently divorced; and that the applicant was subsequently married to Catha Green a white woman having no rights of Choctaw citizenship by blood.

It further appears from the record herein that the applicant had been a resident in good faith of the Choctaw-Chickasaw country from the date of his marriage to said Elsa Loyd up to and including September 25, 1902.

It is, therefore, the opinion of this Commission that following the ruling of the Department in the case of Thornton D. Pearce (I. T. D. 4060-1904) relative to the question of forfeiture, John J. Loyd should be enrolled as a citizen by intermarriage of the Choctaw Nation in accordance with the provisions of the Acts of Congress approved June 28, 1898 (30 Stat., 495) and July 1, 1902 (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

NOV 8 - 1904

No. 85

J.J.Loyd

versus

Julia A.Loyd

COPY OF ORDER OF COURT.

B.J.Pannin, *Clerk,*

By Jos.R.Folts, *Deputy.*

7—345

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
AUG 3 1904

United States of America,
INDIAN TERRITORY,
Central DISTRICT. } ss:

I, B.J.Pannin, Clerk of the District Court of the United States for the Central District of the Indian Territory, do hereby certify the foregoing to be a true copy of an order made by said Court on the 20th. day of May 1897 1900, as appears from the records of said Court now on file in my office.

IN TESTIMONY WHEREOF, I have hereunto set my hand, at my office in Antlers, in said District, this 9th. day of July, A. D. 1904

B.J.Pannin Clerk,

By Jos. R. Steele Deputy.

Form No. 302.

COPY OF ORDER OF COURT.

United States of America,
INDIAN TERRITORY
Central DISTRICT } ss.

IN THE UNITED STATES COURT in the Indian Territory, Central District, at a term thereof begun and held at Antlers, in the Indian Territory, on the 20th day of May, A. D. 1897; Present, the Honorable Yancy Lewis, Judge of said Court.

The following order was made and entered of record, to wit:

9th day May Term, May 20th. 1897.

J. J. Loyd

vs. Equity, No. 81.

Julia Loyd

Now comes the plaintiff by his attorney and the defendant comes not though duly summoned herein as the law directs; and it appearing to the Court that the attorney duly and legally appointed to represent the non-resident defendant herein reports to the Court that he has carefully examined the evidence in this cause and that he finds no legal defense in said cause, qnd it appearing further to the Court that the matters and allegations in plaintiffs complaint are true; it is ordered, adjudged and decreed by the Court that the bonds of Matrimony heretofore existing between the said J. J. Loyd and Julia A. Loyd be and the same is hereby dissolved.

Yancy Lewis,
Judge.

Choctaw Nation }
Cedar County } Marry a license

To all to whom these present shall come Greeting; Know ye that I J.J. Nelson Co Pro, Clerk in and for the County of Ceda Co N.
have this day Granted and Issued a license unto one J.J. Loyd a citizen of the United States to marry the Choctaw citizen by blood according to the laws of the Choctaw Nation. Therefore under the laws of 1887 I hereby under my hand issued a license to marry one Miss Elsa Frazier citizen by blood Given under my hand and seal this 14 Day of Sept. 1897.

J.J. Nelson
Co Clk.

Choctaw nation }
Cedar County } Know all men by these present.

I hereby certify that this day one J.J. Loyd and one Miss Elsa Frazier were lawfully united in holey Ceremonies before me this the 16th day of September A.D. 1897.

R.S. Frazier

Choctaw Nation
Cedar County.

Know all men by these presents I hereby certify that this day one J. J. Boyd and one Elsey Frozier were lawfully united holy ceremony before me this 16 day of September 1897.

R. S. Frozier
Minister of the Gospel.

Filed and Recorded in Clerk's office this 4th day of Nov. A.D. 1897.

J. Nelson
Co. & Pro. Clerk C.C.N.

This is original copy from in my office this 8 day of Dec. A.D. 1898.

J. M. Sherred
County and Probate
Clerk of Cedar County
C.N.

In Re

Application of

John J. Loyd as

Intermarried-Choctaw.

Affidavit of John J.

Loyd.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT 3 1904

Chairman.

BEFORE THE HONORABLE COMMISSION TO THE FIVE TRIBES IN THE MATTER OF THE APPLICATION FOR ENROLLMENT OF JOHN J. LOYD AS AN INTERMARRIED)CHOCTAW.

United States of America,

Indian Territory ,

Ssouthern District/

I John J. Loyd do solemnly swear that I was married but one time prior to my marriage to Elsa Frazier and that the Catha Fagan and Julia Loyd mentioned one and the same person that the Catha Fagan and the Julia Loyd mentioned full name is Julia Catha Loyd whose name was Julia Catha Fagan prior to our marriage and that she is the same Julia Catha Loyd from whom I was divorced on May 20, 1897

John J Loyd

Subscribed and sworn to before me the undersigned notary Public for the Southern District of the Indian Territory this the 29th day of September A.D. 1904.

O. W. Patchell

Notary Public.

The undersigned applicant states that

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
AUG 3 1904
Commissioner

WHEREFORE, contestant prays that

Name of party for whom complaint is made.

be permitted to take an allotment the tract of land herein described.

Counsel for Contestant.

Name of party making complaint

says that he believes the statements contained in the foregoing complaint are true.

Signature of party making complaint.

Witnesses to mark:

Subscribed and sworn to before me this day of , 190

Notary Public.

Note.—The complaint should show how much, if any, of the land in controversy was improved or inclosed on the date of contestee's selection; who was the owner of the improvements or inclosure at that time and who was in possession or entitled to possession of the land.

United States of Americ
Indian Teritory
~~Central~~ District

I Edward Frozer state that I was Guardian of Elsa Frozer and drew her ~~her~~ lease ~~District~~ fond money in 1893 ~~the year~~ it was a good many years ago I saw her and J J Loyd living together and they lived together until she died as man and wife Elisa went to school and I think they gave her another name Isabelle she went to Eldorado academy I know her to be the same person that married J J Loyd J J Loyd and Elsa lived together at Spencerville, Ceder County Chactaw Nation

Witness to mark- his
Edward x Frozer
mark

Julia F. Fagin

Marion Henderson

Subscribed and Sworn to before me this the 27th day of July 1904

J. F. Woods
Notary Public

Application of Elsa Loyd for Enrollment as a Freedman Citizen of the Choctaw Nation

Contestee

W.O.B.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Choctaw D-131

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 26, 1903.

J. J. Loyd,

Doaksville, Indian Territory.

Dear Sir:

It is the present intention of the Commission to establish land offices in the Choctaw and Chickasaw Nations April 1, 1903. The Act of Congress approved July 1, 1902, provides:

"No person whose name does not appear upon the rolls as herein provided shall be entitled in any manner to participate in the distribution of the common property of the Choctaw and Chickasaw tribes."

It will be necessary, before your right to enrollment as an intermarried citizen of the Choctaw Nation can be determined, that you appear before the Commission and testify as to your status on September 25, 1902.

For this purpose the Commission has made an appointment at Atoka, Indian Territory, March 10 to 13, 1903, and you should personally appear at said place on one of the above dates for the purpose herein indicated. No further action can be taken relative to the determination of your right to enrollment until this testimony is received.

Respectfully,

Chairman.

Choctaw D 132

Muskogee, Indian Territory, September 4, 1902.

Patchell & Henderson,
Attorneys at Law,
Paula Valley, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of August 31, asking the status of the application John J. Loyd for enrollment as an intermarried citizen of the Choctaw Nation.

In reply to your letter you are informed that it appears from our records that J. J. Loyd, husband of Sarah Loyd, has been listed among the doubtful claimants to enrollment as an intermarried citizen of the Choctaw Nation, and before his application can receive further consideration it will be necessary for him to appear before the Commission at its office at Muskogee, Indian Territory, for the purpose of testifying relative to his intermarried status on September 25, 1902, the date of the ratification by the Choctaw and Chickasaw Nations of the act of Congress of July 1, 1902.

Respectfully,

Chairman.

7-B-121

Muskogee, Indian Territory, January 6, 1904.

W. R. Hume,

Woodville, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of January 4, 1904, asking that your application for enrollment as an intermarried citizen of the Choctaw Nation be passed upon as early as possible.

In reply to your letter you are informed that the Commission is passing upon applications for enrollment in the Choctaw and Chickasaw Nations as rapidly as practicable, but your case has not yet been reached for consideration and determination.

As soon as a decision is reached in this case you will be notified of the action taken therein.

You are advised, however, that if you will furnish a description of the land which you desire to select in allotment, proper notation thereof will be made upon our records and you will be notified in the event any person or persons make application for the same land or any portion of it and will be permitted to institute contest proceedings therefor.

Respectfully,

Commissioner in Charge.

Choctaw D-151.

Muskogee, Indian Territory, July 1, 1904.

Patchell & Henderson,
Attorneys at Law,
Paula Valley, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of June 25, in which you ask if it is now necessary that J. J. Lloyd should appear before the Commission to testify relative to his intermarried status on September 25, 1902.

In reply to your letter, you are informed that before further consideration can be given the application of J. J. Lloyd for enrollment as an intermarried citizen of the Choctaw Nation, it will be necessary for him to appear in person before the Commission at its office in Muskogee, Indian Territory, for the purpose of testifying relative to his intermarried status on September 25, 1902.

This matter should receive early attention, and Mr. Lloyd may appear before the Commission at any time most convenient for him.

Respectfully,

Commissioner in Charge.

Choctaw-D-131.

Muskogee, Indian Territory, July 8, 1904.

John J. Loyd,

Pauls Valley, Indian Territory.

Dear Sir:

Your letter of June 18th addressed to the Secretary of the Interior has been by him referred to the Commission for consideration and appropriate action. You ask therein the status of your application for enrollment as an intermarried citizen of the Choctaw Nation.

In reply to your letter, you are advised that the Commission will as early as practicable take up your application for consideration and determination and as soon as a decision is reached you will be notified of the action taken therein.

Respectfully,

Commissioner in Charge.

Choctaw-D-131.

Muskogee, Indian Territory, July 18, 1904.

Patchell & Henderson,
Attorneys at Law,
Pauls Valley, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of July 7th, in which you ask what further evidence is necessary in the matter of the application of J. J. Loyd for enrollment as an intermarried citizen of the Choctaw Nation.

In reply to your letter, you are informed that it will be necessary for J. J. Loyd to forward a certified copy of the Bill of Divorce between him and his former wife, Catha Loyd,. It appears from the record in this case that it is claimed that Elsy Frazier, his wife, is found upon the 1893 Leased District Payment Roll under the name of Isabelle Frazier and that the money was drawn for the said Isabelle Frazier by Edward Frazier. Mr. Loyd claims that Edward Frazier was the guardian of his wife, Elsy Frazier; and it is desired that he forward the affidavit of Edward Frazier as to whether or not the person, whose name appears upon the 1893 Leased District Payment Roll as Isabelle Frazier is the Elsie Frazier, who was the wife of J. J. Loyd. This matter should receive immediate attention.

Respectfully,

7.8131

Muskogee, Indian Territory, August 8, 1904.

Patchell & Henderson,
Attorneys at Law,
Paul's Valley, Indian Territory.

Gentlemen :-

Receipt is hereby acknowledged of your letter of July 30, 1904, enclosing the affidavit of Edward Fraser, stating that Miss Fraser and Isabelle Fraser were identical, also certified copy of the diverse proceedings between J. J. Loyd and Julia Loyd, and the same have been duly filed with the records of the Commission in the matter of the application of J. J. Loyd for enrollment as an intermarried citizen of the Choctaw Nation.

Respectfully,

Commissioner in Charge.

7-D-131

Muskogee, Indian Territory, September 27, 1904.

John J. Loyd,

Pauls Valley, Indian Territory.

Dear Sir:-

It appears from your testimony given before the Commission on July 5, 1904, at Muskogee, Indian Territory, that before your marriage to your Indian wife, Elsa Frazier, through whom you claim your right to enrollment, you were married to Catha Fagin from whom you were divorced.

There is on file with the Commission in your case decree of divorce between John J. Loyd and Julia Loyd but there is no evidence tending to connect said Catha Fagin with the said Julia Loyd from whom you were divorced on May 20, 1897.

It will be necessary for you to furnish the Commission with a sworn statement setting forth whether or not Catha Fagin and Julia Loyd are one and the same person, or whether you were married to two women prior to your marriage to Elsa Frazier.

Please give this matter your prompt attention.

Respectfully,

Chairman.

7-D-131

Muskogee, Indian Territory, October 4, 1904.

John J. Loyd,

Pauls Valley, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of September 30, 1904, enclosing your affidavit stating that you were married but once prior to your marriage to Elsa Frazier, and that the full name of your former wife was Julia Catha Fagan prior to your marriage to her and the same has been duly filed with our records in the matter of your application for enrollment as an intermarried citizen of the Choctaw Nation.

Respectfully,

Chairman.

7-D-131

COPY.

Muskogee, Indian Territory, November 8, 1904.

John J. Loyd,

Pauls Valley, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered November 8, 1904, granting your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling you as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, your name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

Tams Bixby

Chairman.

Registered.

Incl. 7-D-131.

7-D-131

COPY.

Muskogee, Indian Territory, November 8, 1904.

Patchell and Wendersen,

Attorneys at Law,

Paula Valley, Indian Territory.

Gentlemen:

You are hereby notified that the Commission to the Five Civilized Tribes, on November 8, 1904, rendered its decision granting the application for the enrollment of John J. Loyd as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said John J. Loyd as a citizen of the Choctaw Nation. If at the expiration of said time no protest has been filed, his name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

Tams Bixby

Chairman.

Registered.

7-D-131

COPY.

Muskogee, Indian Territory, November 8, 1904.

Mandfield, McMurray and Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission, rendered November 8, 1904, granting the application for the enrollment of John J. Loyd as a citizen by intermarriage of the Choctaw Nation.

You are hereby notified that you will be allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If at the expiration of said time no protest has been filed, his name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED)

Tams Bixby

Chairman.

Registered.

7-D-131

See 7-D-137 for registry receipt for this letter

Choc 5836 Sallie Howes

Trans from choc 10252 env to me

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application for enrollment as a citizen by intermarriage of the Choctaw Nation of-

S A L L I E N O R R I S- - - - - 7-D-157.

-oOo-

D.W.

Commission to the Five Civilized Tribes.
Muskogee, Indian Territory.

In the matter of the enrollment of Delila Norris as an intermarried citizen of the Choctaw Nation; being sworn and examined by Commissioner McKennon, she testifies as follows:

Q Your name is Delila Norris is it? A Yes sir.
Q What was your husband's name? A Andrew J. Norris.
Q When were you married to him? A I was married October 27th, 1882.
Q How long did you live with him? A I lived with him, while we lived together, six years.
Q What caused you to separate? A I don't know; he just got on his horse and rode off; he went off and taken up with a negro.
Q Did he obtain a divorce from you? A Yes sir, he got a divorce two or three years ago; I didn't know anything about it until after his death.
Q Do you know the ground of divorce? A No sir I don't; I didn't know anything about it until after his death I found it in the court.
Q Did he marry again? A No sir.
Q Have you married again? A No sir.
Q Have you been living in the Choctaw Nation ever since you married him? A I have been here twenty-five years in July coming and leaving.
Q You applied here a second time didn't you at the session you were with the applicants?
A At my home out in Wagoner and brought up.
Q You have since an additional card [illegible] ?
A At Muskogee before I think.

(Willie Harris, Jr.) (6)

Q. [illegible] A. [illegible].

Q. Did you find the will of Ophelia in his trunk? A. Yes sir, [illegible] in the file.

Q. Where is it? A. Mr. Harris' file, the trunk is there.

Q. Can you get that instrument and bring it here? A. Yes sir, I could run do it.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as Stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

M. D. Green

Choctaw D-197

Muskogee, Indian Territory, February 27, 1902.

Sallie Morris,
Goodland, Indian Territory

You are hereby notified that the application for enrollment of yourself as a citizen of the Choctaw Nation will be taken up by the Commission to the Five Civilized Tribes for final consideration at its office in Muskogee, Indian Territory, on the 4th day of April, 1902.

On said date, you may, if you desire, appear before the Commission in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting said application.

You are further notified that the representatives of the Choctaw Nation will also at the same time be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

The Commission to the Five Civilized Tribes.

T. B. Needles

Registrar.

Department of the Interior.

Commission to the Five Civilized Tribes.

In the matter of the application of Sallie Norris for enrollment as an intermarried citizen of the Choctaw Nation. ----D 157----

On the 27th day of February, 1902, the applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were notified by registered mail, that the application of Sallie Norris for enrollment as a citizen of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 4th day of April, 1902, for final consideration.

Now, on this fourth day of April, , 1902, this cause coming on to be heard pursuant to said notice, the Choctaw Nation failed to appear, and the applicant, being called, appeared in person.

Sallie Norris, the applicant, being first duly sworn, upon her oath testifies as follows:

Examination by the Commission:

Q What is your name? A Sallie Norris.
Q What is your age? A Forty three.
Q Where do you live? A I live about four miles from Grant.
Q Are you a Choctaw by blood? A No sir.
Q You claim by intermarriage? A Yes sir.
Q What was your husband's name? A Andrew Jackson Norris--His nickname was Tony Norris.
Q Is he living? A No sir, he is dead.
Q When did he die? A We and him had separated, and I don't remember the day of the month he died; but he has been dead three years.
Q Are you still a widow? A Yes sir.
Q Was your husband enrolled as a Choctaw and recognized as such?
A Yes sir.
Q What county in the Choctaw Nation did he belong to? A Towson, but I think he enrolled in Wolf County at Sulphur Springs; him and I were separated at the time of the enrollment.
Q How long did you live with him after you and he were married?
A Twelve years.
Q When were you married? A In 1882--we were married on the 27th day of October.
Q Who were you married by? A Mr Keith, minister at Antlers.
Q Do you remember what his given name was? A I think Hisname was William Keith; I don't remember his name; it is on my certificate; William Keith I think.
Q You were married in 1882 and lived with him for twelve years after that? A Yes sir.
Q How long had you been separated when he died? A We had been

separated about eight years---about seven years; we separated the summer of the payment at Goodland.
Q Did you leave him or did he leave you? A He left me.
Q Why did he leave you? A I don't know unless it was on account of one of my orphan brothers.
Q Did you always get along together? A I guess we got along as well as any of them.
Q You never had any trouble when he left? A No, only a few words about that boy.
Q He never came back and offered to live with you afterwards? A Yes sir, he did that twice.
Q And you refused to live with him? A Yes, because if a man quit me or I quit him, we quit.
Q How long have you lived in the territory? A I have been here twenty four years next August
Q Have you lived here all the time since you came? A Yes, right in Kiamichi county and Towson.
Q Your original marriage certificate, what became of that? A It got burnt up when my house burnt.
Q There is a certificate here from Mr Keith saying that the original was lost ? A After it got burnt up I went to him and got him to give me a copy.
Q This man Keith that gave you this certificate thatyou filed here when you made your application is the same minister who married you and gave you the original certificate? A Yes sir.
Q Is there any other statement that you wish to make? A No sir.
Q Have you any children by your Choctaw husband? A No sir, I have no children at all.

By the Commission: This case will be considered upon the evidence and record is now made up.

Harry C Risteen, being first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 4th day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Harry C Risteen

Subscribed and sworn to before me this 8th day of April, 1902.

Warren Tehellwood
Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Antlers, Indian Territory, December 3rd, 1902.

Choctaw D 157.
Intermarried.

In the matter of the application of Sallie Norris for enrollment as an intermarried citizen of the Choctaw Nation.

Sallie Norris, having been first duly sworn, upon her oath testifies as follows:

Examination by the Commission:

Q What is your name? A Sallie Norris.
Q How old are you? A Forty three.
Q What is your post office address? A Hugo, Indian Territory.
Q How long have you been a resident of the Choctaw Nation? A About twenty five years.
Q Have you lived here continuously for the past twenty five years? A Yes sir.
Q Never made your home anywhere else during that time? A No sir.
Q Do you claim, intermarried rights in the Choctaw Nation? A Yes sir
Q What is the name of your Choctaw husband through whom you claim these rights? A Andrew Jackson Norris.
Q Was he a recognized and enrolled citizen of the Choctaw Nation? A Yes sir.
Q Were his rights to enrollmenet ever questioned or disputed? A No sir.
Q When were you married to Andrew Jackson Norris? A In 1882.
Q Where were you living at that time? A Towson county.
Q Were both you and your husband bona fide residents of the Choctaw Nation at that time? A Yes sir.
Q Who performed the marriage ceremony? A William Keith
Q Was he a minister of the gospel? A Yes sir.
Q Were you married under a license? A Yes sir,-No sir, a certificate
Q Were you ever married before your marriage to Andrew Jackson Norris? A Yes sir.
Q How many times? A Once.
Q What was the name of your first husband? A L. D. Stenson.
Q Was he a white man? A Yes sir.
Q When did you marry Him? A I married him----I was a widow four years.
Q He had been dead four years? A No sir, he was not dead, We had been separated.
Q Did you obtain a divorce from Stenson? A Yes sir.
Q Where did you get that divorce? A Greenville, Texas, he got it himself.
Q How long did you live with your Indian husband? A About twelve years, from 1882 to 1893.
Q At the end of that time did you separate? A Yes sir.
Q What was the cause of that separation? A On account of one of my little brothers; we had some words over him.
Q Did he leave, or did you leave him ? A He left me.
Q You don't know any other reason why he left you? A No sir.
Q Did you ever see him after that? A Yes sir.
Q Did he attempt to come back and live with you? A Yes sir.
Q Wouldn't you receive him back? A No sir.
Q What was the reason of that? A Because he had taken up with a nigger woman after he quit me.
Q While you were living together as husband and wife did you have any trouble arise from the words over this boy? A No sir, no serious trouble.

Q Did you obtain a divorce from him? A No sir, he did from me.
Q Where was this divorce granted? A Jackson county?
Q In the tribal courts? A Yes sir, district court.
Q Do you know what grounds were alleged in the petition for divorce? A No sir, I didn't know anything about the divorce until after he was dead; I found it in his trunk; I didn't know he had a divorce.
Q Are you married again---after your separation from Andrew Jackson Norris did you remarry? A No sir.
Q Have you lived single ever since that time? A Yes sir.
Q Are you at present an actual and bona fide resident of the Choctaw Nation? A Yes sir.
Q Was your Indian husband always recognized and enrolled as a Choctaw Indian? A Yes sir.
Q Did he draw his share of the leased district payment? A Yes sir
Q Where was he living at that time? A Towson county, but I drew the money for him.
Q Did you draw any money for yourself? A No sir.
Q What name was he going under at that time? A A. J. Norris.
Q He was enrolled as A. J. Norris? A Yes sir.
Q Did you sign the pay roll and receipt for the money? A I don't remember whether I signed the receipt for the money, but I drew the check $103.00.

---ooo---

Harry C Risteen, being first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 3rd day of December, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Harry C Risteen

Subscribed and sworn to before me this 22 day of January 1903.

Charles N Sawyer

Notary Public.

Antlers, I. T., May 14th 1897

This to certify that on
about Oct 27 1882 I joined
in the estate of Matrimony
Mrs Sallie Stinson and Andrew
J. Norris —

W M Keith —
Minister of the Gospel —
do the M E C South —

The above couple was married
at my house — and Mrs Norris
Maiden was burned — and the
original certificate was burned
up — as Mr Norris will Testify
~~I speak of this in open town~~
body — will see why I give this
certificate for —

W M Keith —

Recorded in my office
This 15th day of July 1899.

This is to certify that this a true and
correct Copy of the above
This May 14th 1899.

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Sallie Norris as a citizen by intermarriage of the Choctaw Nation, Choctaw Field No. D-157.

- - - - - - -

We hereby request, on behalf of the Choctaw and Chickasaw Nations, that final decision in this case be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of B. F. Thompson vs. Choctaw and Chickasaw Nations, No. 38 on the South McAlester Docket, in which the said court will decide the question of the validity of that portion of the intermarriage laws of the Choctaw Nation providing for the forfeiture of citizenship of white persons who separate from their Indian spouses, which question is involved in the case to which this communication refers.

This request is filed under authority granted by the Honorable Secretary of the Interior in his communication to the Commission to the Five Civilized Tribes, upon the subject, dated November 18, 1903.

Attorneys for the Choctaw & Chickasaw Nations.

January 23, 1904.

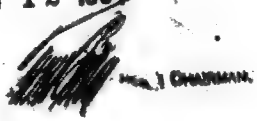
Choctaw D-157.

In the matter of the enrollment of Sallie Norris as an intermarried citizen of the Choctaw Nation.

PROTEST of
Choctaw and Chickasaw Attorneys.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
FEB 6 1904

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT 12 1904



L.D.Stinson,)
)
No.2095. vs.) For Divorce. 23rd day of February A.D.1887.
)
Sallie R.Stinson.) At this day the above styled cause coming on for trial the plaintiff appeared by his attorny as also in person and the defendant being absent appeared and was represented herein by R.L.Porter,Esq., who was heretofore appointed by the court to represent the defendant; and the plaintiff having announced ready for trial, and appearing to the court that the defendany Sallie R.Stinson, had been duly cited by publication in the manner prescribed by law and no jury having been demanded, this cause is submitted to the court upon the pleadings and evidence adduced; And the court after hearing the pleadings read and the evidence adduced herein and being sufficiently advised as to the matters of law and fact in controversy doth now find for the plaintiff, and that the allegations in plaintiffs petition are true; wherefore it is ordered adjudged and decreed by the court that the bonds of matrimony heretofore existing between the plaintiff L.D.Stins on and the defendant Sallie R.Stanson, be and are hereby declared dissolved, set aside, annulled and cancelled, and that the plaintiff be reinstated in all of the rights and privileges of a single person in law, and it is further adjudged that the plaintiff pay all costs incurred for which execution may issue in favor of the officers of court, and that R.L.Porter, Esq., be allowed an attorneys fee of $10. to be taxed as part of the costs herein.

State of Texas.
County of Hunt. I, J.M.McLeod, Clerk, of the District Court of Hunt County Texas, do hereby certify that the foregoing is a true and correct copy of Final Judgment in Cause No.2095,L.D. Stinson vs Sallie R.Stinson,as shown by record of same in Book C, page 528,Minutes Dist.Court Hunt Co.Tex.

Given under my hand ans Seal of said Court at Greenville, this 8th Day of October A.D.1904.

J. M. McLeod, Dist.Clerk,
Hunt County Texas.

By M B Mathews Deputy.

In re Sallie Norris application, enrollment, intermarriage citizen 7-D-157

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
CENTRAL DISTRICT.

Affidavit of Sallie Norris.

Sallie Norris being duly sworn on oath says that she is the widow of Andrew Jackson Norris, deceased, and the applicant for enrollment as an intermarried citizen of the Choctaw Nation, 7-D-157; that her said husband, Andrew Jackson Norris was never married prior to his marriage to her; that when she first met her husband, Andrew Jackson Norris, was in 1878, he at that time was twnety-one (21) years of age and he informed her often after our marriage that he was born and raised in the house in which we lived together as husband and wife, in Towson County near Doakesville, I. T., he died at W. W. Wilsons home near Doakesville. During our entire married life we lived in Towson and Kiamichia Counties, except one year, which was spent in Atoka County, I. T.

Sallie Norris

Subscribed and sworn to before me this the 20th day of October, 1904.

G W Richardson
Notary Public.

My commission expires July 6, 1907

7-D-157.
O.L.J.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application for the enrollment of Sallie Norris as a citizen by intermarriage of the Choctaw Nation.

---: D E C I S I O N :---

It appears from the record herein that on October 27, 1882, the applicant, Sallie Norris, was lawfully married to Andrew Jackson Norris, a recognized and enrolled citizen by blood of the Choctaw Nation, whose name appears (as A. J. Norris), upon the 1885 Choctaw Census Roll, Towson county, No. 179; as A. G. Norris upon the 1893 Choctaw Leased District Payment Roll, Towson county, No. 287; and also as Tone Norris on the 1896 Choctaw Census Roll, Towson county, No. 9664, and who died in about the year 1900; that at the time of said marriage both persons above mentioned were residents in good faith of the Choctaw Nation, and that they continued to reside in said Nation as husband and wife from the date of their said marriage until 1893, when they separated and were subsequently divorced, since which time the applicant herein has not remarried.

It further appears from the evidence in this case that the applicant herein has resided continuously in the Choctaw Nation from the date of her said marriage to Andrew Jackson Norris, up to and including September 25, 1902.

It appears from the records in the possession of the Commission that the name of the applicant (as Sally Norris) is found upon the 1885 Choctaw Census Roll, Towson county, No. 180, and also on the 1896 Choctaw Census Roll, Kiamitia county, No. 14902.

It is therefore the opinion of this Commission that following the ruling of the Department in the case of Thornton D. Pearce (I.T.D.4060-1904), relative to the question of forfeiture, Sallie Norris should be enrolled as a citizen by intermarriage of the Choctaw Nation in accordance with the provisions of the Acts of Congress approved June 28, 1898, (30 Stats., 495), and July 1, 1902, (32 Stats., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
NOV 8 - 1904

7-D-157

COPY.

Muskogee, Indian Territory, November 8, 1904.

Sallie Morris,

Hugo, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered November 8, 1904, granting your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling you as a citizen of the Choctaw Nation. If at the expiration of said time no protest has been filed, your name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Tams Bixby

Chairman.

Registered.

Incl. 7-D-157.

7-D-157

COPY

Muskogee, Indian Territory, November 8, 1904.

Mansfield, McMurray and Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission, rendered November 8, 1904, granting the application for the enrollment of Sallie Norris as a citizen by intermarriage of the Choctaw Nation.

You are hereby notified that you will be allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If at the expiration of said time no protest has been filed, her name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Tams Bixby
Chairman.

Registered.
Incl. 7-D-157.

Muskogee, Indian Territory, June 30, 1900.

Sallie Norris,

Grant, Indian Territory,

Dear Madam:

The Commission is in receipt of your letter of June 27th, in which you inquire as to the status of your claim to citizenship in the Choctaw Nation. In reply to your letter, you are advised that the Commission has not yet passed upon the rights of doubtful claimants to enrollment in the Choctaw Nation, but contemplates doing so in the near future. Until is is done, there can be no decision rendered in your case.

Yours truly,

Acting Chairman.

WAD 157

Choctaw D 187

Muskogee, Indian Territory, June 26, 1903.

Mrs. Sallie Morris,

Grant, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 24th instant, in which you desire to be informed whether you have been enrolled.

You are advised that the Commission has not up to this time rendered a decision in the matter of your application for enrollment as a citizen by intermarriage of the Choctaw Nation but when such a decision is rendered you will be duly advised thereof and also of the forwarding of the record in the case to the Secretary of the Interior for his review.

Yours truly,

Commissioner in Charge.

Choctaw-D-157

Muskogee, Indian Territory, December 10, 1903.

Mrs. Sallie Morris,

Hugo, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of December 5, asking the status of your enrollment as an intermarried citizen of the Choctaw Nation.

In reply to your letter you are informed that the Commission has not yet passed upon your application for enrollment as an intermarried citizen of the Choctaw Nation. As soon as a decision is reached in this case you will be notified of the action taken therein.

Respectfully,

Chairman.

Choctaw 197

Muskogee, Indian Territory, February 12, 1904.

Sallie Morris,
Hugo, Indian Territory.

Dear Madam:

You are hereby advised that under direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Choctaw and Chickasaw Nations dated January 23, 1904, no further action will be taken relative to your enrollment as an intermarried citizen of the Choctaw Nation until the Commission is further instructed by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

7-D-187.

Muskogee, Indian Territory, August 19, 1904.

Sallie Norris,

Hugo, Indian Territory.

Dear Madam:

In the matter of your application for enrollment as a citizen by intermarriage of the Choctaw Nation, it appears from your testimony taken at Antlers, Indian Territory, December 3, 1902; that you were married to one L. D. Stenson before you were married to your Indian spouse, Andrew Jackson Norris, and that he had obtained a divorce from you at Greenville, Texas.

You are advised that it will be necessary before further consideration can be given your application that you produce and file with the Commission a certified copy of the decree of divorce from said Stenson.

Respectfully,

Chairman.

7-D-157

Muskogee, Indian Territory, October 3, 1904.

Sallie Morris,

Hugo, Indian Territory,

Dear Madam:

On August 19, 1904, we wrote you it would be necessary for you to furnish the Commission with a certified copy of the decree of divorce obtained by your former husband, L.D. Stinson before further consideration could be given your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

This certified copy has not yet been furnished, and you are requested to procure and forward the same to this Commission without delay.

Respectfully,

Chairman.

7-D-157

Muskogee, Indian Territory, October 18, 1904.

Sallie Norris,

Hugo, Indian Territory.

Dear Madam;

Receipt is hereby acknowledged of your letter of the 8th instant, enclosing a certified copy of divorce from your former husband L. D. Stinson, and the same has been duly filed with the records of the Commission in the matter of your application for enrollment as an intermarried citizen of the Choctaw Nation.

Respectfully,

Commissioner in Charge.

7-D-157

Muskogee, Indian Territory, October 13, 1904.

Sallie Norris,

Hugo, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 8th instant, enclosing a certified copy of divorce from your former husband, L. D. Stinson, and t he same has been duly filed with the records of the Commission in the matter of your application for enrollment as an intermarried citizen of the Choctaw Nation.

You are hereby notified that before any further action can be taken in the matter of your application, it will be necessary for you to file with this Commission your sworn statement, stating whether or not your husband, Andrew Jackson Norris, was married prior to his marriage to you, and the place of his residence since such marriage.

Respectfully,

JD

Commissioner in Charge.

7-D-157

Muskogee, Indian Territory, October 24, 1904.

Sallie Morris,

Hugo, Indian Territory.

Dear Madam:-

Receipt is hereby acknowledged of your affidavit stating that your husband Andrew Jackson Morris was never married prior to his marriage with you, and that during your entire married life with him your residence was Towson and Pickens Counties, except one year spent in Atoka County, and the same has been filed with the records of the Commission in the matter of your application for enrollment as an intermarried citizen of the Choctaw Nation.

Respectfully,

Chairman.

Cl09 STEP Name: [illegible]

TRANS from CL09 to STO JUL 26 1984

1984

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Record in the matter of the application for the enrollment as a citizen by intermarriage of the Choctaw Nation of-

Minnie Edwards.

7-D-170.

Department of the Interior.

Commission to the Five Civilized Tribes.

In the matter of the application of Thomas B. Edwards for the enrollment of himself and his minor child, Emma Edwards, as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Minnie Edwards, as an intermarried citizen of the Choctaw Nation.

---D 170---

On February 27, 1902, the principal applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were notified by registered mail, that the application of Thomas B. Edwards, Minnie Edwards, and Emma Edwards for enrollment as citizens of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 4th day of April, 1902, for final consideration.

Now, on this 4th day of April, 1902, this cause coming on to be heard pursuant to said notice, the Choctaw Nation failed to appear, and the applicants, being called, failed to appear either in person or by attorney.

Harry C Ristoen, being first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 4th day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Harry C Ristoen

Subscribed and sworn to before me this 8th day of April, 1902.

Clarence Tillotson

Notary Public.

7-D-170.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MSUKOGEE, IND. TER., JANUARY 16, 1905.

In the matter of the application for the enrollment of Minnie Edwards as a citizen by intermarriage of the Choctaw Nation.

Thomas B. Edwards being first duly sworn testifies as follows:

Examination by the Commission:

Q What is your name? A Thomas B. Edwards.
Q Are you a Choctaw by blood? A Yes, sir.
Q Was your wife a White woman? A Yes, sir.
Q She makes no claim as a citizen by blood of either nation does she? A No, sir.
Q You have been recognized by the Choctaw authorities as a citizen by blood? A Yes, sir.
Q Did you draw the money in 1893? A Yes, sir.
Q Is your wife living? A No, sir, she is dead.
Q When did she die? A She died 24th October 1904.
Q When were you married to her? A I was married to her in 1896.
Q What was the exact date if you know? A 12th of April 1896 I think was the date.
Q By whom were you married? A Wm. Hayes a minister of the gospel.
Q Where were you married? A At Nelson Choctaw Nation.
Q At that time where were you a resident of - what nation? A Choctaw Nation.
Q How long had you been a resident of the Choctaw Nation at that time? A I had been there ever since 1890.
Q How long had your wife been living there? A She had been there about five years when we got married.
Q Were you married before you were married to Minnie Edwards? A No, sir.
Q Was she married before she was married to you? A No, sir.
Q After your marriage did you and she live together as husband and wife? A Yes, sir.
Q Where? A At Antlers, Choctaw Nation, and in the Chickasaw Nation; we lived in the Chickasaw Nation nearly two years- she died in the Choctaw Nation.
Q Did you and she live together as husband and wife in the Choctaw-Chickasaw country? A Yes, sir.
Q Did you ever live any where else? A No, sir, we have been in the Choctaw and Chickasaw all the time.
Q Any separation, abandonment or divorce during that time? A No, sir.

Q Do you know of your own knowledge whether Minnie Edwards was married before she was married to you? A I had known her about six or seven years and she had never been married.
Q How old was she when she was married to you? A I don't remember - she was twenty-two or three years old.
Q And you had known her for several years prior to that? A Yes, sir.
Q What was your wife's maiden name? A Minnie M. Dyson.
Q What is the second name? A Myra.

Reference is made to the marriage certificate filed in the 1896 papers. Minnie Edwards was admitted as a citizen by intermarriage of the Choctaw Nation by this Commission under the act of June 10, 1896(1896 Choctaw Citizenship Docket, case number 1170). Application was made September 7, 1896 and decision rendered December 7, 1896. She is also identified on the 1896 Choctaw Census Roll number 14495, Kiamitia County.

Q Have you been known by the name of Ben? A Yes, sir.
Q What is your full name? A Thomas Benjamin.

Witness excused.

Chas. T. Difendafer being first duly sworn states that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Chas. T. Difendafer.

Subscribed and sworn to before me this 17th day of January 1905.

Charles H. Sawyer
Notary Public.

B O X Y.

Rev. Wm. Hays,
MISSIONARY
American Baptist Home Mission Society, and Pastor of the Churches at Antlers, Kosoma, Wister and Oak Grove, I. T.

Antlers, I. T., April 12. 1896.

This is to certify that Mr. T. B. Edwards and Miss M. K. Dyson; were united in Holy Matrimony on Sunday April 12. 1896, by the undersigned.

Wm M. Hays.

Chas. T. Difendafer being first duly sworn states that the above and foregoing is a full, true and correct copy of the original marriage certificate between Mr. T. B. Edwards and Miss M. K. Dyson now on file with the Commission with the 1896 papers in Jacket 7-1170.

Chas. T. Difendafer.

Subscribed and sworn to before me this 18th day of January 1905.

Edward to Hurst
Notary Public.

COPY.

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Thomas B. Edwards and his minor child, Emma Edwards, as citizens by blood, and for the enrollment of his wife, Minnie Edwards, as a citizen by intermarriage , of the Choctaw Nation, Choctaw Field No. D-170.

We hereby request, on behalf of the Choctaw and Chickasaw Nations, that final decision in this case be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of Mattie Lee Armstrong, et al., vs. Choctaw and Chickasaw Nations, No. 39 on the Tishomingo Docket in which the said court will decide the question of what compliance, by the applicants or their ancestors, with the third or the fourteenth articles of the treaty of 1830 was necessary in order to be entitled to enrollment and to participation in the distribution of tribal property of the Choctaws and Chickasaws, notwithstanding their recognition by the tribal authorities of the Choctaw Nation, which question is involved in the case to which this communication refers.

This request is filed under authority granted by the Honorable Secretary of the Interior in his communication to the Commission to the Five Civilized Tribes upon the subject, dated November 18, 1903.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw & Chickasaw Nations

January 23, 1904.

Endorsed on back:

Choctaw D-170.

In the matter of the enrollment of Thomas B. Edwards, et al., as citizens by blood of the Choctaw Nation.

PROTEST of the Choctaw and Chickasaw Attorneys
Protest overruled by Department

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED Feb 6 1904.

TAMS BIXBY, Chairman.

7-D-170.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Minnie Edwards for enrollment as a citizen by intermarriage of the Choctaw Nation.

--: D E C I S I O N :--

It appears from the records of the Commission that on September 7, 1896, in the case entitled "Minnie Edwards vs. Choctaw Nation" (1896 Choctaw citizenship docket, case No. 1170) original application was made to this Commission, under the provisions of the Act of Congress approved June 10, 1896 (29 Stat., 321), for the admission to citizenship in the Choctaw Nation of Minnie Edwards, as a citizen by intermarriage thereof; that on December 2, 1896, this Commission rendered its decision admitting the applicant herein as a citizen by intermarriage of the Choctaw Nation, from which decision of the Commission no appeal was taken.

Upon an examination of the tribal rolls in the possession of the Commission the name of the applicant appears upon the 1896 Choctaw Census Roll, Kiamitia County, No. 14495, enrolled thereon as a citizen by intermarriage of said nation.

It further appears from the record herein that the applicant was a resident in good faith of the Choctaw-Chickasaw country on June 28, 1898, and that her status as an intermarried citizen has remained unchanged since the date of her admission by this Commission on December 2, 1896, up to and including September 25, 1902.

It is, therefore, the opinion of this Commission that Minnie Edwards should be enrolled as a citizen by intermarriage of the Choctaw Nation, in accordance with the provisions of the Acts of Congress approved June 28, 1898 (30 Stat., 495) and July 1, 1902 (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

FEB 3 - 1905

Choctaw D 170

COPY.

Muskogee, Indian Territory, February 3, 1905.

Thomas B. Edwards,

Eyars, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered February 3, 1905, granting the application for the enrollment of your wife, Minnie Edwards, as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling her as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, her name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED)

Tams Bixby

Chairman.

Registered.
Encl. 7-D-170

Choctaw D 170

COPY.

Muskogee, Indian Territory, February 3, 1905.

Blanton & Andrews,

Attorneys at Law,

Pauls Valley, Indian Territory,

Gentlemen:

You are hereby notified that the Commission to the Five Civilized Tribes, on February 3, 1905, rendered its decision granting the application for the enrollment of Minnie Edwards as a citizen by intermarriage of the Choctaw Nation.

The Attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed her name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED.

Tams Bixby

Chairman.

Registered.

Choctaw D 170

COPY.

Muskogee, Indian Territory, February 3, 1905.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission rendered February 3, 1905, granting the application for the enrollment of Minnie Edwards as a citizen by intermarriage of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, her name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretayr of the Interior for his approval.

Respectfully,
SIGNED.

Tams Bixby

Registered. Chairman.

Incl. 7-D-170.

See 7-D-142 for registry receipt for this letter

Department of the Interior.

Commission to the Five Civilized Tribes.

In the matter of the application of Thomas B. Edwards for the enrollment of himself and his minor child, Emma Edwards, as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Minnie Edwards, as an intermarried citizen of the Choctaw Nation.

---D 170---

On February 27, 1902, the principal applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were notified by registered mail, that the application of Thomas B. Edwards, Minnie Edwards, and Emma Edwards for enrollment as citizens of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 4th day of April, 1902, for final consideration.

Now, on this 4th day of April, 1902, this cause coming on to be heard pursuant to said notice, the Choctaw Nation failed to appear, and the applicants, being called, failed to appear either in person or by attorney.

Harry C Risteen, being first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 4th day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Harry C. Risteen

Subscribed and sworn to before me this 8th day of April, 1902.

Thomas Gallwood
Notary Public.

7-D-170.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, IND. TER., JANUARY 16, 1905.

In the matter of the application for the enrollment of Emma Edwards as a citizen by blood of the Choctaw Nation.

Thomas B. Edwards being first duly sworn testifies as follows:

Examination by the Commission:

Q What is your name? A Thomas B. Edwards.
Q What is your post office address? A Byars, Chickasaw Nation.
Q Have you got a child called Emma? A Yes, sir.
Q When was that child born? A She was born in August 17, 1897.
Q Is that child living? A Yes, sir.
Q Where has that child been making its home? A It is at Antlers now with my sister.
Q Has that child always made its home with you? A Yes, sir.
Q In the Choctaw-Chickasaw country? A Yes, sir.

In the matter of the enrollment of Emma Edwards it will be necessary for you to furnish the Commission with evidence of the birth of said child. You should do this at the earliest practicable date.

Witness excused.

Chas. T. Difendafer being first duly sworn states that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Chas. T. Difendafer.

Subscribed and sworn to before me this 17th day of January 1905.

Charles K. Sawyer
Notary Public.

7-D-170.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Thomas B. Edwards as a citizen by blood of the Choctaw Nation.

-: D E C I S I O N :-

It appears from the census card record in this case that on May 18, 1899, Thomas B. Edwards appeared before the Commission and made personal application for the enrollment of himself and his minor daughter, Emma Edwards, as citizens by blood, and for the enrollment of his wife, Minnie Edwards, as a citizen by intermarriage, of the Choctaw Nation. The application for the enrollment of said Minnie Edwards and Emma Edwards is not passed upon in this decision.

It further appears from the census card record and an examination of the tribal rolls in the possession of the Commission that the applicant, Thomas B. Edwards, is a son of Henry C. Edwards, a full blood Choctaw Indian, and Lydia Edwards, a white woman having no rights of Choctaw citizenship by blood; and that the applicant is identified upon the 1893 Choctaw Leased District payment Roll, Kiamitia County, number 201, enrolled thereon as a citizen by blood of said nation.

It further appears that the applicant was a resident in good faith of Indian Territory on June 28, 1898, all applicants listed upon census card in 1899, having been first examined as to such fact although their testimony was not reduced to writing.

It is, therefore, the opinion of this Commission that Thomas B. Edwards should be enrolled as a citizen by blood of the Choctaw Nation, in accordance with the provisions of the acts of Congress approved June 28, 1898 (30 Stat., 495), and July 1, 1902 (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
NOV 9 - 1904

Choctaw 2 170

Copy.

Muskogee, Indian Territory, November 9, 1904.

Thomas B. Edwards,

Antlers, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered November 9, 1904, granting your application for enrollment as a citizen by blood of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling you as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, your name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Tams Bixby
Chairman.

Registered.

Incl. 7-D-170.

Choctaw D 170

COPY.

Muskogee, Indian Territory, November 9, 1904.

Blanton & Andrews,

Attorneys at Law,

Paulis Valley, Indian Territory,

Gentlemen:

You are hereby notified that the Commission to the Five Civilized Tribes, on November 9, 1904, rendered its decision granting the application for the enrollment of Thomas B. Edwards as a citizen by blood of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, his name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Tams Bixby

Chairman.

Registered.

Cherokee D 170

COPY.

Muskogee, Indian Territory, November 9, 1904.

Mansfield, McMurray & Cornish,

Attorneys for Cherokee and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission rendered November 9, 1904, granting the application for the enrollment of Thomas B. Edwards as a citizen by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Cherokee Nation. If at the expiration of that time no protest has been filed, his name will be placed upon the final rolls of the citizens of the Cherokee Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

Tams Bixby

Registered. Chairman.

Incl. 7-D-170.

For registry receipt for this letter see Cherokee D 1002.

BIRTH AFFIDAVIT. 20

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Choctaw Nation,

of Emma Edwards (Here insert name of child.), born on the 17 day of August 1897

Name of Father: Thomas B Edwards a citizen of the Choctaw Nation.

Name of Mother: Minnie M. Edwards a citizen of the Choctaw Nation.

Post-office Byars I.T.

Affidavit.

United States of America,

Indian Territory,

Central District.

I, Mary F. Wright, on oath state that I am fifty one years of age; that I was personally acquainted with Mrs. Minnie M. Edwards, wife of Thomas B. Edwards; that I know of my personally knowledge that, some time in the latter part of the summer of 1897, there was a female child born to her; that said child is now living and is named Emma Edwards, and that she is now with her aunt, Miss Emma Edwards, at Antlers, I.T.

Mary F. her + Wright
mark

Witnessed to mark.
Rufus M. Edwards
W. S. Reed

Subscribed and sworn to before me this 2nd day of Feb., 1905.

J D Pardee
Notary Public.

United States of America,

Indian Territory,

Central District.

I, Emma L.Edwards, on oath state that I am ..22....years of age; that I was personally acquainted with Mrs.Minnie M.Edwards, wife of Thomas B.Edwards; that I know of my personal knowledge that, on the 17 day of August,1897, there was a female child born to her; that said child is now living and is named Emma Edwards, and that she is now with me at Antlers, Choctaw Nation, I.T.

Emma L Edwards

Subscribed and sworn to before me this 2nd day of July ~~Jan.~~, 1905.

J O Parks

Notary Public.

IN RE

Application for Enrollment of

INFANT CHILD

Emma Edwards

as a citizen of

Choctaw Nation.

Approved FEB 17 1905 190

Commissioner.

Child for whom application was made May 18. 1899

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
FEB 17 1905
Chief Clerk.

Choctaw D-170.

In the matter of the enrollment of Thomas B. Edwards, et al., as citizens of the Choctaw Nation.

PROTEST of
Choctaw and Chickasaw Attorneys.

Protest overruled by Department.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
FEB 6 1901

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Thomas B. Edwards and his minor child, Emma Edwards, as citizens by blood, and for the enrollment of his wife, Minnie Edwards, as a citizen by intermarriage, of the Choctaw Nation, Choctaw Field No. D-170.

- - - - - - -

We hereby request, on behalf of the Choctaw and Chickasaw Nations, that final decision in this case be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of Mattie Lee Armstrong, et al., vs. Choctaw and Chickasaw Nations, No. 59 on the Tishomingo Docket, in which the said court will decide the question of what compliance, by the applicants or their ancestors, with the third or the fourteenth articles of the treaty of 1830 was necessary in order to be entitled to enrollment and to participation in the distribution of tribal property of the Choctaws and Chickasaws, notwithstanding their recognition by the tribal authorities of the Choctaw Nation, which question is involved in the case to which this communication refers.

This request is filed under authority granted by the Honorable Secretary of the Interior in his communication to the Commission to the Five Civilized Tribes upon the subject, dated November 18, 1903.

Attorneys for the Choctaw & Chickasaw Nations.

January 23, 1904.

20

IN RE
Application for Enrollment of
INFANT CHILD
Mary L. Edwards
as a citizen of
Choctaw Nation.

Approved OCT 7 1905 190

Commissioner.

Application for the enrollment of this child made March 4. 1905.

MAR 4 1905

7-5857

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,
of Mary L. Edwards (Give full name of child), born on the 5th day of November, 1901
Name of Father: Thomas B. Edwards, a citizen of the Choctaw Nation.
Name of Mother: Minnie M. Edwards, a citizen of the Choctaw Nation.
Postoffice Antlers I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, ... DISTRICT.

I, ..., on oath state that I am ..... years of age and a citizen, by ....., of the ..... Nation; that I am the lawful wife of ....., who is a citizen, by ....., of the ..... Nation; that a ..... (Male or Female.) child was born to me on ..... day of ..... 1 .....; that said child has been named ....., and is now living.

.....

WITNESSES TO MARK:

(Must be Two Witnesses.) .....

.....

Subscribed and sworn to before me this ..... day of ..... 190.....

.....
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Central DISTRICT.

I, Mrs Lyda Leak, a Midwife, on oath state that I attended on Mrs. Minnie M. Edwards, wife of Thomas B. Edwards on the 5th day of November, 1901; that there was born to her on said date a Female (Male or Female.) child; that said child is now living and is said to have been named Mary L. Edwards

Mrs Lyda Leak

WITNESSES TO MARK:

(Must be Two Witnesses.) .....

.....

Subscribed and sworn to before me this 23 day of February 1902

My term Expires April 27 1903 John Hurley
(Official Title.)

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

FILED
OCT 2- 1905



U.S.A.
Central District,

Choctaw, Nation,

Indian Territory,

I Katie Goodgion on , oath state that I am 44 years of age and a resident of Antlers, Choctaw Nation Indian Territory, That was personally acquainted with Minnie M. Edwards deceased, wife of Thomas B.Edwards, and on or about the 5th, day of November ~~1901~~ 1901 a Female Child was born to Her and that said Child is now living with Her aunt Emma Edwards, at Antlers , Indian Territory, said child was named Mary

Katie Goodgion

U.S.A
Central District,

ChoctawNation

Indian Territory,

Katie Goodgion being duly sworn, upon Her oath deposes and says , that the~~se~~ foregoing statements are true and correct.

&& Katie Goodgion

Subscribed and sworn to before me this the 28th day of SeptemberA.D. 1905

A J Arcate

Notary Public Central District
Choctaw Nation Indian Territory

My commission expires May 16th 1909

U.S.A.
Southern District
Chickasaw Nation,
Indian Territory.

I, Lizzie Oliver on oath state that I am 26 years of age and that I am now a resident of Byars Chickasaw Nation Indian Territory, and that I was personally acquainted with Minnie.M.Edwards deceased, wife of Thomas.B.Edwards, and that on or about the 5th day of November 1901 a Female Child was Born to Her, and that said Child was named Mary Edwards, and that said Child is now living with Her Aunt Emma Edwards at Antlers Choctaw Nation Indian Territory,

Lizzie Oliver.

U.S.A.

Indian Territory
Southern District,

Lizzie Oliver being duly sworn, upon Her oath deposes and says, that the foregoing statements are true and correct.

Subscribed and sworn to before me this the 28th day of June. 1905

C R Chitwood

Notary Public Southern District.
Indian Territory.

My commission expires. Feb 27" 1906

Muscogee, Indian Territory,
August 15th, 1900.

Thomas M. Edwards

Antlers, Indian Territory,

Dear Sir.

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs. McKennon, Mansfield, Mayerray & Cornish, has filed with the Commission a notice of protest to your enrollment and the enrollment of Minnie, and Emma Edwards as citizens of the Choctaw Nation.

The Commission, commencing December 3rd, 1900, hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

T-B-170

Acting Chairman.

Chectaw D-178.

Muskogee, Indian Territory, February 27, 1902.

Thomas E. Edwards,
Atoka, Indian Territory.

You are hereby notified that your application for the enrollment of your wife, Virgnia Edwards and your minor daughter, Emma Edwards, as citizens of the Chectaw Nation will be taken up by the Commission to the Five Civilized Tribes for final consideration at its office in Muskogee, Indian Territory, on the 4th day of April, 1902.

On said date you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting said application.

You are further notified that the representatives of the Chectaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting the rights of your said wife and daughter to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

The Commission to the Five Civilized Tribes.

T. B. Needles.

Choctaw D 170

Muskogee, Indian Territory, February 11, 1904.

Thomas B. Edwards,

Antlers, Indian Territory,

Dear Sir:

You are hereby advised that under direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Choctaw and Chickasaw Nations dated January 23, 1904, no further action will be taken relative to the enrollment of yourself and your minor child, Emma Edwards, as citizens by blood, and of your wife Minnie Edwards, as an intermarried citizen, of the Choctaw Nation, until the Commission is further instructed by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

Choctaw D-168
Choctaw D-170

Muskogee, Indian Territory, May 17, 1904.

J. S. Gillette,

Byars, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of May 9, asking what steps are necessary to be taken to secure the enrollment of Thomas Benjamin Edwards and his brother, H. M. Edwards.

In reply to your letter you are informed that on February 6, 1904, there were filed by the attorneys for the Choctaw and Chickasaw Nations protests in the matter of the application of Thomas B. Edwards for the enrollment of himself, his wife and minor child as citizens of the Choctaw Nation, and the application of H. C. Edwards for the enrollment of himself, his children and grand-children as citizens of the Choctaw Nation, in which it was requested that no further action be taken in these cases until the final decision by the Choctaw and Chickasaw citizenship court in the case of Mattie Lee Armstrong, et al. vs. the Choctaw and Chickasaw Nations, case No. 59 on the Tishomingo docket, in which said court will decide the question of what compliance by the applicants or their ancestors with the 3rd or

J. W. G., E.

14th article of the treaty of 1830 was necessary in order to be entitled to enrollment and to participate in the distribution of the tribal property of the Choctaws and Chickasaws, notwithstanding their recognition and enrollment by the tribal authorities of the Choctaw or Chickasaw Nation, which question the attorneys state is involved in these cases.

Under the instructions of the Department of November 18, 1903, the Commission is prohibited from taking further action in cases of this character wherein protests have been filed by the attorneys for the Choctaw and Chickasaw Nations until further instructed by the Secretary of the Interior.

Respectfully,

Chairman.

7-D-170.

Muskogee, Indian Territory, October 3, 1904.

Thomas B. Edwards,

Antlers, Indian Territory,

Dear Sir:-

In the matter of the application for the enrollment of your wife, Minnie Edwards, as a citizen by intermarriage of the Choctaw Nation, it will be necessary, before the rights of your said wife as such citizen can be determined, for her to appear in person before the Commission at its office in Muskogee, Indian Territory, for the purpose of giving further testimony relative to her intermarried status on September 25, 1902.

In the matter of the application for the enrollment of your daughter, Emma Edwards, as a citizen by blood of the Choctaw Nation, it does not appear that you have ever filed with this Commission properly verified birth affidavits of said child

You are therefore requested to fill out the blank for proof of birth which is enclosed you herewith. Have said affidavits properly executed and return the same to the Commission in the enclosed envelope, which requires no postage.

In having the said affidavits executed be careful to see that all blank spaces are properly filled, all names written in full, and that the notary public, before whom the affida-

vits are executed attaches his name and seal to each separate affidavit. In case any signature is by mark, it must be attested by at least two disinterested parties, witnesses thereto.

You should give the matter above referred to your prompt attention, as until the evidence requested is supplied and the testimony of your said wife, relative to her intermarried status, is taken, the Commission cannot determine the rights of your said wife and child as citizens of the Choctaw Nation.

Respectfully,

Chairman.

B-C
Env.

7-D-170

Muskogee, Indian Territory, October 7, 1904.

Blanton & Andrews,

Attorneys at Law,

Pauls Valley, Indian Territory.

Gentlemen:-

Receipt is hereby acknowledged of your letter of September 30, 1904, requesting information relative to the application for enrollment of Thomas Benjamin Edwards and family as citizens of the Choctaw Nation, stating that you have been retained to look after their interests and you desire this information in order that you may be better able to determine the course to persue in the matter.

You are advised it appears from our records that Thomas B. Edwards and his minor daughter Emma are applicants to this Commission for enrollment as citizens by blood of the Choctaw Nation, and his wife Minnie Edwards an applicant for enrollment as a citizen by intermarriage of the Choctaw Nation, but the Commission has not yet passed upon said applications for enrollment. As soon as a decision is reached in the case you and the applicants will be duly notified of the action taken therein.

Respectfully,

Chairman.

Choctaw D 170

Muskogee, Indian Territory, October 26, 1904.

Blanton & Andrews,

Attorneys at Law,

Ponca Valley, Indian Territory,

Gentlemen:

Receipt is hereby acknowledged of your letter of the twentieth instant, requesting to be furnished a copy of the testimony in the matter of the application for enrollment of Thomas B. Edwards, his wife and children, as Choctaws by blood. You also request to be advised when their cases will be determined and the reason for the delay in the matter since the Secretary of the Interior overruled the protest of the attorneys for the Choctaw and Chickasaw Nations, and if further testimony is desired you desire to be advised.

You are informed that the name of Thomas B. Edwards appears upon the 1893 Leased District Payment Roll of the Choctaw Nation, but there is no testimony in this case. It further appears that his wife, Minnie Edwards, is an applicant for enrollment as an intermarried citizen of the Choctaw Nation, but, although she has been notified, no personal appearance has been made by her to testify relative to her status as an intermarried citizen of the Choctaw Nation on September 25, 1902.

As to the enrollment of Emma Edwards, daughter of Thomas B. and Minnie Edwards, no proof of birth of this child has been submit-

2 4 4 8

ted, although blanks for this purpose have been forwarded thereto by Bennett. It is, therefore impracticable to pass upon the applications of the above named persons for enrollment as citizens of the Choctaw Nation, and your request for a copy of the testimony in this case cannot be granted.

Respectfully,

Chairman.

7-D-170

Muskogee, Indian Territory, November 9, 1904.

Blanton & Andrews,

Attorneys at Law,

Pauls Valley, Indian Territory.

Gentlemen:-

Receipt is hereby acknowledged of your letter of November 4, 1904, in which you refer to our letter advising you that it would be necessary for Minnie Edwards to appear before the Commission for the purpose of examination, and that proof of the birth of Emma Edwards should also be furnished. You state that you are now in receipt of a letter saying that Minnie Edwards died on October 4, in the Choctaw Nation where she had gone for the purpose of securing an affidavit from the physician who attended her at the birth of said child. You therefore ask what steps should be taken relative to furnishing the necessary proof under the present circumstances.

In reply to your letter you are advised that it will be necessary for Thomas B. Edwards to appear in person before the Commission at its office in Muskogee, Indian Territory, for the purpose of testifying relative to the intermarried status of his wife Minnie Edwards on September 25, 1902. It will also be necessary that the affidavit of the physician in attendance at the birth of Emma

B. & A. #2

Edwards and the affidavits of two other persons who know of the birth of said child be furnished in the matter of her enrollment as a citizen by blood of the Choctaw Nation.

The matter should receive your early attention.

Respectfully,

Chairman.

7-D-170

Muskogee, Indian Territory, December 16, 1904.

J. W. Gillett,

Hyars, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of December 12, 1904, enclosing the affidavits of Emma L. Edwards, and James Frazier relative to the death of Minnie Edwards, a citizen of the Choctaw Nation October 24, 1904, and the same have been filed with the records of the Commission as evidence of the death of the above named person. You ask what is necessary to be done in the matter of the enrollment of Emma Edwards, Mary Edwards, and Ray Edwards, minor children of Mrs. Minnie Edwards.

In reply to your letter you are informed that the Commission has not yet passed upon the application of Emma Edwards for enrollment as a citizen by blood of the Choctaw Nation, and it does not appear from our records that application has been made for the enrollment of Mary and Ray Edwards referred to in your letter.

You are further advised that it will be necessary for Thomas B. Edwards, Husband of Minnie Edwards to appear in person before the Commission at its office in Muskogee, Indian Territory, for the purpose of testifying relative to the intermarried status

of his wife Minnie Edwards on September 25, 1902. It will also be necessary that the affidavit of the physician who attended at the birth of Emma Edwards and the affidavits of two other persons who know of her birth be supplied in the matter of the enrollment of Minnie and Emma Edwards as citizens of the Choctaw Nation.

Respectfully,

Chairman.

7-D-170

Muskogee, Indian Territory, February 18, 1905.

Thomas B. Edwards,

Antlers, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of February 14, 1905, transmitting the affidavits of Emma L. Edwards and Mary P. Wright to the birth of your daughter Emma Edwards, August 17, 1897 and the same have been filed as evidence of the birth of the above named child.

Respectfully,

Chairman.

7-5087

Muskogee, Indian Territory, March 8, 1905.

Thomas B. Edwards,

Vallimt, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of February 24, 1905, enclosing the affidavit of Lyda Leak to the birth of Mary L. Edwards, daughter of Thomas B. and Minnie M. Edwards November 5, 1901 which it is presumed was forwarded as an application for the enrollment of said child.

You are advised that under the provisions of the act of Congress approved July 1, 1902, no children born to citizens of the Choctaw and Chickasaw Nations subsequent to September 25, 1902, the date of the ratification of said act, are entitled to enrollment and allotment in the Choctaw and Chickasaw Nations.

Respectfully,

Commissioner in Charge.

7--5857

Muskogee, Indian Territory, June 22, 1905.

Thomas B. Edwards,

Eyars, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of your daughter, Mary L. Edwards, as a citizen by blood of the Cheotaw Nation there is on file in the matter of the enrollment of said child the affidavit of the attending midwife, Mrs. Lyda Leak, as to the birth of said child, on November 5, 1901.

The mother of said child being dead, it will be necessary for you to furnish in lieu of her affidavit as to the birth of said child the affidavits of two disinterested persons who know the circumstances attending the birth of said child, when she was born, and whether or not she was living September 25, 1902.

You should give this matter your prompt attention.

Respectfully,

Chairman.

7-1357

Muskogee, Indian Territory, July 10, 1906.

Thomas B. Edwards,
Eufaula, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of June 20, 1906, enclosing affidavit of Lizzie Oliver to the birth of your child Mary Edwards on November 5, 1901, and the same has been filed with the record in the matter of the enrollment of said child. You are advised, however, that it will be necessary for you to forward an affidavit of another disinterested person who knows of the birth of this child and that she is the child of your wife Minnie Edwards.

This matter should receive immediate attention.

Respectfully,

Commissioner.

Choctaw 5857

Muskogee, Indian Territory, October 4, 1905.

Blanton & Andrews,

Attorneys at Law,

Ponca Valley, Indian Territory,

Gentlemen:

Receipt is hereby acknowledged of your letter of September 27, inclosing affidavit of Katie Geodgion to the birth, November 5, 1901, of Mary Edwards, daughter of Thomas B. Edwards and Minnie M. Edwards, deceased, and the same has been filed in the matter of the enrollment of said child.

Respectfully,

Commissioner.

Choctaw 5857.

Muskogee, Indian Territory, April 11, 1906.

T. B. Edwards,

Byars, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of April 29, asking to be notified when the enrollment of Minnie Edwards is approved.

In reply to your letter you are informed that you will be notified when the enrollment of Minnie Edwards is approved by the Department.

Respectfully,

Commissioner in Charge.

1.6587

Muskogee, Indian Territory, July 6, 1903.

Blanton & Andrews,

Attorneys at Law.

Pauls Valley, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of June 27, 1903, relative to the application of Mary L. Edwards for enrollment as a citizen of the Choctaw Nation under the recent act of Congress; you state her father T. B. Edwards has been sick and unable to attend to this matter.

In reply to your letter you are advised that the mother of Mary L. Edwards being dead it will be necessary that the affidavits of two disinterested persons be forwarded in lieu of her affidavit in which must be stated the date of the birth of said child and the name of her mother and whether or not she was living September 25, 1902.

Until these affidavits are forwarded no further consideration can be given the application of Mary L. Edwards for enrollment as a citizen by blood of the Choctaw Nation.

Respectfully,

Commissioner.

7-8887.

Muskogee, Indian Territory, September 6, 1905

Blanton & Andrews,

Attorneys at Law,

Pauls Valley, Indian Territory.

Gentlemen:

In the matter of the application for the enrollment of Mary L. Edwards, minor daughter of Thomas B. Edwards and Minnie Edwards, deceased, as a citizen by blood of the Choctaw Nation there are on file the affidavits of Lyda Leak, midwife, and Lizzie Oliver relative to the birth of said child.

You are advised that, before the rights of said Mary L. Edwards as a citizen by blood of the Choctaw Nation can be finally determined, it will be necessary that this office be supplied with the affidavit of an additional disinterested person relative to the birth of said child. Said affidavit must set forth the child's name, the date of her birth, the names of her parents and whether or not she was living on September 25, 1902.

Respectfully,

Acting Commissioner.

7-5867

Muskogee, Indian Territory, April 2, 1906.

Blanton & Andrews,

Attorneys at Law,

Pauls Valley, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of March 26, 1906, relative to the application of Thomas B. Edwards, his wife Minnie M. Edwards, and their children Emma, Mary and Ray Edwards, as citizens of the Choctaw Nation; you state you were advised some time ago that the first three had been enrolled, but had received no advice as to the other two. You therefore ask the status of their enrollment.

In reply to your letter you are advised that the name of Mary L. Edwards has been placed upon a schedule of citizens by blood of the Choctaw Nation which is being prepared for forwarding to the Secretary of the Interior, and you will be advised when her enrollment is approved by the Department.

You are further advised that it does not appear from the records of this office that application has been made by or on behalf of Ray Edwards, child of Thomas B. Edwards, for enrollment as a citizen of the Choctaw Nation.

Respectfully,

Acting Commissioner.

Choc 5858 Mary Lamer

Trans from choc #D-271 Nov 26, 1904

5858

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment as a citizen by blood of the Choctaw Nation of—

MARY LOMER. 7-D-271.

Department of the Interior,
Commission to the Five Civilized Tribes.
I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.
M D Green

Examination of the Five Civilized Tribes,
Muskogee, Indian Territory.

In the enrollment of Mary Lyncr as freedman by blood; being sworn and examined by a Commissioner testifies as follows:

Mary Lyncr, about seventy-three years old.

Q You came here with the freedmen from Tishomingo did you?
A Yes sir.
Q When? A I don't remember what year it was.
Q How old were you when you came here? A Nine years old.
Q And how old are you now? A I don't know; I think I am seventy-three.
Q You have lived here with the freedmen since that time?
A I was born and raised here with the freedmen, and got all the property.
Q What do you know about your relation to the freedmen?
A There aint none that does remember it.
Q What your parents told you, or what were they? A They said my mother was a blood, Mrs. Nicky Tiyohiyun and Mrs. Pitchiyun's sister, and old man Tuskahbee told my mother often and often that she was a relation of old man Tuskahbee and Tuskahbee was a relation of Mrs. Pitchiyun, that's all I can tell you.
Q Then your understanding is that your mother was a freedman?
A Yes sir, but I didn't know any more freedmen there yet.
Q (Davis) Didn't your father have one son named Dave Colbert?
A Yes sir.
Q Then was your father, a white man? A Yes sir.
Q Was William Lyncr your mother's brother? A He was my just same like with him.
Q (Davis followed) That was your mother's name? A Mary Colbert.
Q She was also a Choctaw Indian? A Yes sir.
Q (Davis) Jerry Ward was your own brother wasn't he? A Yes sir.

R. 2740

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

M D Green

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

In the enrollment of Mary Lenar as Cherokee by blood S.S. Lewis being sworn and examined by Geo. McKennon testifies:

Simon S. Lewis, fifty-eight years old.

Q You are a citizen of the Cherokee nation? A Yes sir

Q I notice here in the laws of the Cherokee Nation published in 1892, on page 72, an Act of the National Council of the Cherokee Nation approved October, 1841, which reads as follows:

"An Act permitting Mrs. Ward and family, and John and William Conger to remain in the nation"

"Section 1. Be it enacted by the General Council of the Cherokee Nation assembled, that Mrs. Ward and family and William Conger and John Conger, are hereby permitted to remain in the Nation during good behavior. Approved October, 1841."

Did you have any personal knowledge of the passage of that Act?

A No sir

Q Did you know these persons? A I didn't know Mrs. Ward; I knew her son Jerry Ward, and she had another son named Dave Gulsett.

Q Do you know Mrs. Mary Lenar? A Yes sir, she always passed for Jerry Ward's sister.

Q And Jerry Ward was the son of Mrs. Ward mentioned in this Act? A Yes sir.

Q Do you know why it was this Act was passed were they Cherokees or not? A No sir, I don't think they were Cherokees; it was simply a permit for them to remain during good behavior; I always understood they were not Cherokees; don't think they claimed to be. I knew William Conger, he married a full-blood Cherokee.

Q What do you know about Jerry Ward the brother of Mrs. Lenar?

A He married a Ja Shaw and had a big family of children and separated from her, and he was Circuit Judge at the time and they removed him from office on the ground that he wasn't a citizen after he separated from his wife.

Q Because he was not a Cherokee? A Yes sir/

Choctaw D-271

Muskogee, Indian Territory, February 28, 1902.

Mary Lomer,

Ola, Indian Territory,

You are hereby notified that the application for enrollment of yourself as a citizen of the Choctaw Nation will be taken up by the Commission to the Five Civilized Tribes for final consideration at its office in Muskogee, Indian Territory, on the 7th day of April, 1902.

On said date, you may if you desire, appear before the Commission in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting said application.

You are further notified that the Representatives of the Choctaw Nation will also at the same time be afforded an opportunity to introduce testimony affecting your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

The Commission to the Five Civilized Tribes,

T. B. Needles.

Register. Commissioner in Charge.

Department of the Interior.

Commission to the Five Civilized Tribes.

In the matter of the application of
Mary Lomer for enrollment as a citi-
zen by blood of the Choctaw Nation. ---D 271---

On the 28th day of February, 1902, the applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were notified by registered mail that the application of Mary Lomer for enrollment as a citizen of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 7th day of April, 1902, for final consideration.

Now, on this 7th day of April, 1902, this cause coming on to be heard pursuant to said notice, the applicant being called failed to appear, and the Choctaw Nation appeared by its attorneys, Mansfield McMurray & Cornish, and submitted this case upon the record.

------oo------

Harry C Histeen, being first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 7th day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Harry C Histeen

Subscribed and sworn to before me this 10th day of April 1902.

Notary Public.

Choctaw D-271.

In the matter of the enrollment of Mary Lomer as a citizen by blood of the Choctaw Nation.

PROTEST of
Choctaw and Chickasaw Attorneys

Protest overruled by Department

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
FEB 6 1904

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Mary Lomer as a citizen by blood of the Choctaw Nation, Choctaw Field No. D-271.

- - - - - - -

We hereby request, on behalf of the Choctaw and Chickasaw Nations, that final decisionin this case be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of Mattie Lee Armstrong, et al., vs. Choctaw and Chickasaw Nations, No. 59on the Tishomingo Docket, in which the said court will decide the question of what compliance, by the applicants or their ancestors, with the third or the fourteenth articles of the treaty of 1830 was necessary in order to be entitled to enrollment and to participation in the distribution of tribal property of the Choctaws and Chickasaws, notwithstanding their recognition as citizens by the tribal authorities of the Choctaw Nation, which question is involved in the case to which this communication refers.

This request is filed under authority granted by the Honorable Secretary of the Interior in his communication to the Commission to the Five Civilized Tribes upon the subject, dated November 18, 1903.

Attorneys for the Choctaw & Chickasaw Nations.

January 23, 1904.

7-D-271.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Mary Lomer as a citizen by blood of the Choctaw Nation.

--: D E C I S I O N :--

It appears from the census card record in this case that on August 1, 1899 Mary Lomer appeared before the commission and made personal application for enrollment as a citizen by blood of the Choctaw Nation.

It appears from an examination of the tribal rolls in the possession of the Commission that the applicant is identified upon the 1885 Choctaw Census Roll, Gaines County, number 467 (as Mary Loman), upon the 1893 Choctaw Leased District Payment Roll, Gaines County, page 35, number 322 (as Mary Loman) and upon the 1896 Choctaw Census Roll, Gaines County, number 7833 (as Mary Lomer), enrolled on said rolls as a citizen by blood of said nation.

It further appears from the record herein that the applicant was a resident in good faith of Indian Territory on June 28, 1898.

It is, therefore, the opinion of this Commission that Mary Lomer should be enrolled as a citizen by blood of the Choctaw Nation in accordance with the provisions of the acts of Congress approved June 28, 1898 (30 Stat., 495) and July 1, 1902 (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

NOV 3 1904

7-D-271.

COPY.

Muskogee, Indian Territory, November 3, 1904.

Mary Lomer,

Lutie, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered November 3, 1904, granting your application for enrollment as a citizen by blood of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling you as a citizen of the Choctaw Nation. If at the expiration of that time, no protest has been filed, your name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Tams Bixby

Chairman.

Registered.

Incl. 7-D-271.

COPY. 7-D-271

Muskogee, Indian Territory, November 3, 1904.

Mansfield, McMurray and Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission, rendered November 3, 1904, granting the application for the enrollment of Mary Lomer as a citizen by blood of the Choctaw Nation.

You are hereby notified that you will be allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If at the expiration of said time no protest has been filed, her name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Tams Bixby
Chairman.

Registered.
Incl. 7-D-271.
See 7-4510 for registry receipt for this letter.

W.023

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BREDENBERG.

WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Refer in reply to the following
7-D-271.

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, November 3, 1904.

Mary Lomer,

Lutie, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered November 3, 1904, granting your application for enrollment as a citizen by blood of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling you as a citizen of the Choctaw Nation. If at the expiration of that time, no protest has been filed, your name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Chairman.

Registered.
Incl. 7-D-271.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BREECKINRIDGE.
ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Choctaw D-271

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 28, 1902.

Mary Lomer,

Lutie ~~Dix.~~ Indian Territory,

You are hereby notified that the application for enrollment of yourself as a citizen of the Choctaw Nation will be taken up by the Commission to the Five Civilized Tribes for final consideration at its office in Muskogee, Indian Territory, on the 7th day of April, 1902.

On said date, you may if you desire, appear before the Commission in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting said application.

You are further notified that the Representatives of the Choctaw Nation will also at the same time be afforded an opportunity to introduce testimony affecting your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

The Commission to the Five Civilized Tribes,

Commissioner in Charge.

Register.

Muscogee, Indian Territory,

August 16th, 1900.

Mary Lomer,

Ola, Indian Territory,

Dear Madam:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs McKennon, Mansfield, McMurray, & Cornish, has filed with this Commission a notice of protest to your enrollment as a citizen of the Choctaw Nation.

The Commission, commencing December 3rd, 1900, will hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Acting Chairman.

7-D-271.

Muskogee, Indian Territory, September 18, 1900.

Mary Lomer,

Ola, Indian Territory.

Dear Madame:-

Since notifying you on August 16, 1900, of the protest filed by the Choctaw Nation to your enrollment as a citizen of the Choctaw Nation, the Commission has been furnished by the Nation with the grounds upon which objection is made to your enrollment. The protest to your enrollment is, that you have never been admitted by the Choctaw Nation.

The Commission is in possession of a sufficient statement of facts upon which a decision may be rendered and in your case it will not be necessary for you to appear at the appointment at Atoka beginning December 3rd, 1900.

The Commission will accept and consider any written arguments on questions of law submitted on behalf of the Choctaw Nation at any time prior to February 1st, 1901, and on your behalf at any time prior to March 1st, 1901.

As soon thereafter as practicable the Commission will consider and finally determine your right to enrollment and the decision of the Commission, stating fully its reasons for any action that may be taken, will be mailed to you.

Yours truly,

Acting Chairman.

7-D-871

7-1671

Muskogee, Indian Territory, February 3, 1903.

H. T. Pandrea,

Cadda, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of January 24, in which you protest against the classification of your land.

In reply to your letter you are informed that the appraisement of the lands of the Choctaw and Chickasaw Nations, heretofore made, is by the Commission considered final.

Respectfully,

Acting Chairman.

Choctaw D 271

Muskogee, Indian Territory, February 11, 1904.

Mary Lomer,

Lutie, Indian Territory,

Dear Madam:

You are hereby advised that under direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Choctaw and Chickasaw Nations dated January 23, 1904, no further action will be taken relative to your enrollment as a citizen by blood of the Choctaw Nation until the Commission is further instructed by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

W. O. B.

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Choctaw D 271

Muskogee, Indian Territory, February 11, 1904.

Mary Lemer,

Lutie, Indian Territory,

Dear Madam:

You are hereby advised that under direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Choctaw and Chickasaw Nations dated January 23, 1904, no further action will be taken relative to your enrollment as a citizen by blood of the Choctaw Nation until the Commission is further instructed by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

REFER IN REPLY TO THE FOLLOWING
7-5933

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 19, 1906.

Sam M. Cline,

Poteau, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of February 15, 1906, in which you ask to be advised if Bell McAlvain has been approved by the Secretary of the Interior.

In reply to your letter you are advised that the name of Bell McAlvain has been placed upon a schedule of intermarried citizens of the Choctaw Nation which has been forwarded the Secretary of the Interior, but this office has not yet been advised of Departmental action thereon.

You will be notified when her enrollment is approved by the Secretary of the Interior.

Respectfully,

W. O. Beall

Acting Commissioner.

7-2225

Muskogee, Indian Territory, November 12, 1906.

Mrs. F. A. Moran,

Commanche, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of November 7, 1906, asking if you have been approved as an intermarried citizen of the Choctaw Nation.

In reply to your letter you are advised that your name has been placed upon a schedule of citizens by intermarriage of the Choctaw Nation which has been forwarded the Secretary of the Interior and you will be notified when your enrollment has been approved by him.

Respectfully,

Commissioner.

NC

MEMORANDA.

(Date) 8/1 1899.

Name .....

Choctaw? ..... County ..... Year ..... No. .....

Chickasaw? ..... County ..... Year ..... Page .....

Citizen by blood? ..... Mother's citizenship .....

Intermarried citizen? .....

Married under what law? .....

License filed this day, ...

73 Wife's name, Mary Lowe

Choctaw? yes County Gaines Year 96 No. 7833

Chickasaw? ..... County ..... Year ..... Page 195

Citizen by blood? yes Mother's citizenship Choc

Intermarried citizen? .....

Married under what law? .....

License filed this day .....

Names of children:

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

✓ See her testimony

D 271

Choc 5859 Sarah E. McVay

Trans from Choc #D-292 Nov 26, 1904

5859

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Record in the matter of the application for the enrollment as a citizen by intermarriage of the Choctaw Nation of-

SARAH E. McCAY 7-D-292.

Cherokee Nation

Tahlequah, Indian Territory.

In the examination of Sarah E. Duncan as intermarried Cherokee Citizen before Commissioner Kelsey Bell and Examiner Wisdom.

Q What is your name? A Sarah Keener

Q How old are you? A I will be fifty-two my next birthday.

Q You are duly qualified and recognized as a Cherokee citizen are you? A Yes sir

Q Your wife, Sarah E. is a white woman?

A Yes sir

Q She claims to have been married to a Cherokee citizen by the name of Edmond Keener, but you produce here a marriage certificate between them, dated July 25th, 1878; did she live with him until he died?

A No sir

Q Were they separated? A Yes sir

Q How long did she live with him according to your information?

A I don't know definitely; it must have been five or six years I guess.

Q Do you know whether either one of them was divorced or not?

A Yes sir they were.

Q Who obtained the divorce? A I don't know; it was done in the county court before I got acquainted with her.

Q Did she ever tell you who got the divorce?

A No sir.

Q You don't know whether she or he did?

A No sir. He married again, and after he married I married this woman.

Q You married her knowing to whom he was?

A He didn't get any divorce or anything; there was no license required at that time.

Q When did you marry her?

(Sarah E. Bixby,-witness Alfred Bixby #8)

A 8th day of September 1898.

Q Were you married by (Baptist authorities)? A I was married by Preacher Bone

Q A Minister of the Gospel A Yes sir , He lived right here somewhere.

Q (By Duke) After your wife was divorced from Pusley wasn't she married to a white man named Landers? A Yes sir

Q (Gov't McKennon) Before she married you? A Yes sir

Q (Duke) Did she live with him until he died?

A He did, they didn't live together but three weeks. His wife and children came there and they all went away together and left her.

Q Then it wasn't a marriage really, he having a living wife at the time he married her?

A That sir.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

M D Green

July 28 1873

Jobuskey County Ca
hawk hoh chéfo [redacted] O Shuma pudly
Micha ohoyo hoh Chéfo Sallee pudly
[redacted] ilatok lo ilappat Jobuskey County ilappa
Kinli vhashowa he Chukla okla Iman vlhpida
Ai ijak aya hosh Itti halali Chéléstike

County Judge Kanapilabbe

Witness Benj. F. Jones
Abiel his + mark Smith

Mosholatubbee District,
Choctaw Nation. In Tobucksy County.

Be it remembered that the Circuit Court, June Term thereof, June 2nd, 1879. Hon. James Thompson-Judge of the First Judicial Circuit. M.V. James District Attorney, D.M. Hailey Circuit Clerk and Sampson Cole Sheriff of County aforesaid, all being present. Court was duly opened by the solemn proclamation of the Sheriff at 9 oclock A.M. The Court being duly organized is ready for the dispatch of business. Amoung other things the following was had to wit-

Wednesday Morning 8 oclock A.M. June 4th, 1879. Cause No. 114.

Osborne Pusley,
VS. Petition for Divorce.
Sarah Pusley,

Was on motion of Plaintiffs Attorney taken up and a decree asked for, decree granted by the Court, and the Bonds of matrimony dissolved, and Custody of the Child granted to petitioner for Divorce.

Done by the Judge in open Court, this 4th, day of June, 1879.

James Thompson
Judge 1st, Judicial Circuit.
C.N.

Attest,
D.M. Hailey
Clerk.

I here by certify that the above and foregoing is a true and correct copy of the original Case on file in Old Minute Book Known as the Tobucksy County Minute Book for the Circuit Court. from 1874. inclusive to 1892. Given under my hand and seal of Office this the 28th, day of October, 1902.

T.J. Sexton
Circuit Clerk, 1st. Dis. C.N.

Choctaw D-2925

Muskogee, Indian Territory, February 28, 1903.

Sarah E. McCoy,

Mailester, Indian Territory.

You are hereby notified that your application for enrollment as a citizen of the Choctaw Nation will be taken up by the Commission to the Five Civilized Tribes for final consideration at its office in Muskogee, Indian Territory, on the 8th day of April, 1903.

On said date you may if you desire, appear before the Commission in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting said application.

You are further notified that the representatives of the Choctaw Nation will also at the same time be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

The Commission to the Five Civilized Tribes.

Register.

T. B. Needles.

Commissioner in Charge.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, April 8, 1902.

In the matter of the application of Sarah E. McCay for enrollment as a citizen by intermarriage of the Choctaw Nation.	D-292.

On the 28th day of February, 1902, the applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were also notified by registered mail, that the application of Sarah E. McCay for enrollment as a citizen of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 8th day of April, 1902, for final consideration.

Now on this 8th day of April, 1902, this cause coming on to be heard pursuant to said notice, the following procedure was had.

APPEARANCES:-

Sarah E. McCay, the applicant in person.	No appearances on behalf of the Choctaw and Chickasaw Nations.

Sarah E. McCay, being first duly sworn, upon her oath testifies as follows:

Examination by the Commission.

Q What is your name? A Mrs. Sarah McCay.
Q Sarah E.? A Yes sir.
Q What was your father's name? A Thomas Taggert.
Q Was he a white man or a Choctaw? A He was a white man.
Q Is he living? A No sir, he's dead.
Q What was your mother's name? A Sarah Taggert.
Q Was she a Choctaw or a white woman? A She was a white woman.
Q Is she living or dead? A She's living.
Q What is your post office address at the present time? A McAlester, I. T.
Q What is your age, Mrs. McCay? A About forty-two.
Q Did you ever appear before the Commission in 1899 yourself? A No sir.
Q Who did appear for you? A Mr. McCay.
Q Your husband? A Yes sir.
Q Are you the same person that application was made for by Alfred McCay in 1899 to the Commission, in which he gave your age in at thirty-six at that time? Are you the same person? A I guess so, I don't know. I don't know just exactly to the day how old I am. They lost the records of our birth and I was either forty-two or forty-three last December I can't tell which.
Q Then your age that was given in in 1899 as thirty-six at that time was not correct. It should have been about thirty-nine or forty at that time? A I guess so.
Q You claim as a citizen by blood or intermarriage? A Intermarriage.
Q What was your Choctaw husband's name? A Osborne Pusly.
Q Is he living or dead? A He's dead.
Q How long has he been dead? A I don't know.
Q About how long? A Why it was fifteen or sixteen years ago wasn't it.
Q Did you live with him up till the time of his death? A No sir, we parted.
Q When were you married to him, Mrs. McCay? A It was in 73. You have got the certificate here hain't you?
Q 1873-----Who were you married by, do you remember? A Judge Kampillabbe.

Marriage certificate, dated July 28, 1873, between Osborne Pusly and Sallie Pusly is on file with the Commission and is a part of the record in this case.

Q Are you the same person mentioned in this certificate as being married to Osborne Pusly under the name of Sallie Pusly? A Yes sir. I guess when he wrote out the certificate we was already married. There wasn't no license then, you know, just certificate.
Q Could the County Judge that married you-----was he able to speak English? A No sir, he had an interpreter.

Q It was all done through an interpreter? A Yes sir.
Q And you account for the mistake then in your name in the certificate, because it was written out afterwards? A After we was married, I guess was the cause of it.
Q Did you and your Choctaw husband have any children? A Yes sir.
Q They are in a separate application? All grown are they? A Yes sir, just one daughter. Her name's Mitchell now. She's registered under the name of Elmira Pusly Blossom. She's got one child; it's registered too.
Q Now how long did you say you lived with Pusly? A About five years.
Q About five years? A Yes sir.
Q You then separated? A Yes sir, we separated.
Q What was the cause of the separation? A Well, we couldn't get along together.
Q Did he leave you or did you leave him? A Well, I guess I left him. I left the country and went away and stayed at my mother's awhile and then come back.
Q Afterwards did you obtain a divorce, or he? A He got a divorce while I was out of the Country.
Q Then you married again? A Yes sir.
Q Who did you marry the next time? A George Lankford.
Q George Lankford------is he living or dead? A Living.
Q Are you separated or divorced from him? A Yes sir, we separated but wasn't divorced because it wasn't a legal marriage; he had a wife living.
Q Then you afterwards married? A Yes sir, married Mr. McCay.
Q Married Mr. McCay, your present husband? A Yes sir.
Q You and he are still living together as man and wife? A Yes sir
Q Is he a citizen or non-citizen? A He's a citizen of the Cherokee Nation.
Q You are living, I believe you stated, at McAlester, in the Choctaw Nation? A Yes sir, got a home there.
Q Have you lived continuously in the Territory in the last four years? A Yes sir.
Q Lived continuously in the Territory? A I have lived in McAlester all the time for about twenty years.
Q When were you married to Mr. McCay, your present husband? A '83 I think.
Q Do you remember the day of the month? A I believe the 3rd or the 6th, I don't know which.
Q Of what month? A September.
Q 1883---you married under a license? A No, they didn't issue license then.
Q Your husband you say is a Cherokee? A Yes sir.
Q He is enrolled as a Cherokee? A Yes sir.
Q You are not enrolled as an intermarried Cherokee, are you? A Yes sir, I think it was.
Q You are enrolled as an intermarried Cherokee? A Yes sir, when he went up there he registered all the children and registered me on the white roll.
Q Well now, if the Commission should enroll you, find that you are entitled to be enrolled as a Choctaw, and it appears that you are already enrolled as a Cherokee by intermarriage, do you elect to be enrolled in the Cherokee or Choctaw Nation? A Well, I'd rather be on the Choctaw roll because I have got a home there.
Q So then, if the Commission finds you entitled to enrollment in the

Choctaw Nation and also in the Cherokee Nation you want to be enrolled as a Choctaw by intermarriage? A Yes sir.

Q Is there any other statement you wish to make now? A No, I believe not.

Q Then you desire the Commission to enroll you as a member of the Choctaw Nation by intermarriage and you relinquish any rights that you may have to the allotment of the lands in the Cherokee Nation do you? A Yes, if I get a right on the first marriage, why we can't have but one, but I am entitled if any of them is to one of the two.

This case will be considered by the Commission upon the evidence and record as now made up.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on the 8gh day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of April, 1902.

Hal Belford

Subscribed and sworn to before me this 10 day of April, 1902.

Notary Public.

2-43

Choctaw D. 292.
Intermarried.

Department of the Interior
Commission to the Five Civilized Tribes.
South McAlester, Indian Territory,
December 23, 1902.

-:-

In the matter of the application of Sarah McCay for enrollment as an intermarried citizen of the Choctaw Nation.

Sarah McCay being first duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Sarah McCay.
Q How old are you? A I don't know just exactly between 40 and forty-four.
Q What is your post office address? A McAlister.
Q How long have you been a resident of the Choctaw Nation? A Since 1871.
Q Have you liv ed here continuously since 1871? A Yes, sir, except one year.
Q When was that? A A year before I was married, married in 1883
Q Do you claim intermarried rights in the Choctaw Nation? A Yes, sir.
Q What is the name of your Choctaw husband through whom you claim these rights? A Auburn Pusley.
Q Was he a recognized and enrolled citizen of the Choctaw Nation? A Yes, sir.
Q Were his rights as such ever disputed? A No, sir.
Q When were you married to this man? A In 1873.
Q Where was this marriage ceremony performed? A About three miles from McAlester.
Q In the Choctaw Nation? A Yes, sir.
Q At that time were boty you and your husband bona fide residents of the Choctaw Nation? A Yes, sir.
Q Who performed the marriage ceremony? A Judge Folsom.
Q Were you married under a license? A No, sir just a certificate.
Q Were you ever married before your marriage to Auburn Pusley? A No, sir.
Q Was he ever married before his marriage to you? A No, sir.
Q After that marriage how long did you and your husband live together? A Five or six year.
Q At the end of that time what happened? A We separated.
Q Were you divorced? A Yes, sir.
Q What was the cause of your separation? A We couldn't get along together, there were some other things I don't want to talk about.
Q Did you leave him or did he leave you? A I left him.
Q Which one obtained the divorce? A He did.
Q Do you know on what grounds? A No, sir I sent a copy of the divorce to the Dawes Commission.
Q After your divorce from Auburn Pusley did you remarry? A yes, sir.

Choctaw D. #292.
Intermarried.

Q What is the name of your second husband? A Leon Landford.
Q Is he a white man? A Yes, sir.
Q When were you married to him? A Well, can't tell just when it was two or three years after we parted.
Q How long did you live with this white man? A Two weeks.
Q Did you separate from him? A yes, sir, he had a living wife of his own and I wouldn't live with him.
Q Did you remarry after your separation from him? A Yes, sir.
Q What was the name of that husband? A Alfred McCay.
Q Was he a white man? A No, sir, Cherokee.
Q He is a recognized and enrolled citizen of the Cherokee Nation? A Yes, sir.
Q On the final roll of the Cherokee Nation? A Yes, sir.
Q When were you married to this man? A In 1883.
Q Are you still living with him? A Yes, sir.
Q Where were you married to Alfred McCay? A Here in old McAlester.
Q Did you obtain a license to marry him? A No, sir just a certificate.
Q Are you at present an actual and bona fide resident of the Choctaw Nation? A Yes, sir.
Q Have you ever made any application for enrollment in the Cherokee Nation? A No, sir, when my husband enrolled all these children they notified me to come up and they said I would have to be put on this roll.

Chas. Diffendaffer, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Chas. Diffendaffer

Subscribed and sworn to before me this 7th day fo January 1903.

Charles Matthiessen

Notary public.

7-D-292.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Sarah E. McCay for enrollment as a citizen by intermarriage of the Choctaw Nation.

-: D E C I S I O N :-

It appears from the record herein that the applicant, Sarah E. McCay, on July 28, 1873, was lawfully married to Osborne Pusley, a recognized citizen by blood of the Choctaw Nation, the name of whose child by said marriage (Elmira Mitchell) appears as number 14943 upon the lists prepared by this Commission, under the act of Congress approved July 1, 1902 (32 Stat., 641), of persons entitled to enrollment as citizens by blood of the Choctaw Nation and approved by the Secretary of the Interior on October 15, 1903; that at the time of said marriage both persons above mentioned were residents in good faith of the Choctaw Nation, and lived together in said nation as husband and wife for five years, when they separated and were subsequently divorced; that thereafter in 1883 the applicant herein was lawfully married to Alfred McCay, a recognized and enrolled citizen by blood of the Cherokee Nation, whose name appears as number 30040 upon the lists prepared by this Commission, under the act of Congress approved July 1, 1902 (32 Stat., 716), of persons entitled to enrollment as citizens by blood of the Cherokee Nation and approved by the Secretary of the Interior on June 11, 1904.

It further appears that the applicant herein was a resident in good faith of the Choctaw Nation continuously from the time of her marriage in 1873 up to and including September 25, 1902, with the exception of one year prior to the year 1883.

It further appears from the records of the Commission that on May 11, 1900, application was made to this Commission for the enrollment of said Sarah McCay as a citizen by intermarriage of the Cherokee Nation, by virtue of her said marriage in 1883 to Alfred McCay.

It further appears from the record herein that on April 8, 1902, the applicant appeared in person before the Commission at its office in Muskogee, Indian Territory, and under the provisions of a portion of section 21 of the act of Con

gress approved June 28, 1898 (30 Stat., 495), elected to be finally enrolled as a citizen by intermarriage of the Choctaw Nation and to take her allotment of lands in said nation.

It is, therefore, the opinion of this Commission that Sarah E. McCay should be enrolled as a citizen by intermarriage of the Choctaw Nation, in accordance with the provisions of the acts of Congress approved June 28, 1898 (30 Stat., 495), and July 1, 1902 (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

NOV 3 1904

COPY. 7-D-292

Muskogee, Indian Territory, November 3, 1904.

Sarah E. McCay,

McAlester, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered November 3, 1904, granting your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling you as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, your name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED.

Tams Bixby

Chairman.

Registered.

Inel. 7-D-292.

7-D-292

COPY.

Muskogee, Indian Territory, November 3, 1904.

Mansfield, McMurray and Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission, rendered November 3, 1904, granting the application for the enrollment of Sarah E. McCay as a citizen by intermarriage of the Choctaw Nation.

You are hereby notified that you will be allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If at the expiration of said time no protest has been filed, her name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED)

Tams Bixby

Chairman.

Registered.

Incl. 7-D-292.

See 7-4510 for registry receipt for this letter.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
AUG 12 1904

Choctaw Nation
Pickens County
Circuit Court June Term thereof
of June A.D. 1879

Be it remembered that the Hon James Thompson Judge of the 1st Judicial circuit M. C. James Dist atty D. M. Bailey circuit clerk & Sampson Cole Sheriff of county foresaid all being present Court was duly open by the Solemn proclamation of the Sheriff at 9 oclock A. M.

Wednesday Morning 8 oclock A. M.
June 4th 1879

Court met pursuant to adjournment & same officers presiding as yesterday the Clerk called roll of summoned jury all being present and the minutes of the preceding day being read and approved in open court the court Stands ready for business

Cause No 114
Osborn Pusley
vs Petition for Divorce
Sarah Pusley

was on motion of Plaintiff atty

taken up and a decree asked for decree granted and bonds of matrimony dissolved and custody of child granted to petitioner for divorce done by the Judge in open court.

I do hereby certify that the above is a true and correct copy of the record in my office in which I affix my name and seal Given under my hand this 4th day of Aug 99

C. P. Harrison
Circuit Clerk
Ind. Ter.

7-5-299.

Muskogee, Indian Territory, November 5, 1898.

S.E. McCay,

Mcalester, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 3d inst., enclosing certified copy of the divorce proceedings between Osborne Pusley and Sarah Pusley; and the same has been duly filed with the records of the Commission in the matter of the application for enrollment as a citizen by intermarriage of the Choctaw Nation of Sarah E. McCay.

Respectfully,

Acting Chairman.

Choctaw D 208

Muskogee, Indian Territory, February 4, 1903.

Alf McCay,

McAlester, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letterof January 31, requesting to be advised the status of the claim of your wife, Sarah E. McCay, as an intermarried citizen of the Choctaw Nation.

In reply to your letter you are advised that it appears from our records that Sarah E. McCay has been listed among the doubtful claimants to enrollment in the Choctaw Nation as an intermarried citizen, and her final right to such enrollment has not yet been passed upon. As soon as a decision is reached in her case she will be duly notified of the action of the Commission.

Respectfully,

Acting Chairman.

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BREEDINGRIDGE.
WM. O. BEALL,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee #21.

Muskogee, Indian Territory, May 16, 1904.

Commission to the Five Civilized Tribes,

Choctaw-Chickasaw Enrollment Division.

Gentlemen:

In the matter of the application for the enrollment of Sarah E. McCoy, Choctaw D 292, it is requested that the Cherokee Division be furnished with a copy of the record in that case.

It is also requested that the Cherokee Division be advised as to the present status of the applicant as a citizen of the Choctaw Nation.

Respectfully,

Chairman.

Choctaw D 232.

Muskogee, Indian Territory, May 18, 1904.

Commission to the Five Civilized Tribes,
Cherokee Enrollment Division,
Gentlemen:

Receipt is hereby acknowledged of your letter of May 16, in which you ask the present status of the application for the enrollment of Sarah E. McCoy as a citizen of the Choctaw Nation, and request a copy of the record in this case.

In compliance with your request, there are enclosed you herewith copies of the testimony of Alfred McCay, Sarah E. McCay, of April 9, 1903, and Sarah McCay, of December 23, 1903, in the matter of the application for the enrollment of Sarah E. McCay as an intermarried citizen of the Choctaw Nation. You are informed that the Commission has not yet passed upon the above application, and when a decision is rendered you will be notified of the action taken therein.

Respectfully,

E. A. 2-18.

Commissioner in Charge.

7-D292

Muskogee, Indian Territory, August 12, 1904.

Sarah E. McKay,

McAlester, Indian Territory.

Dear Madam :-

Receipt is hereby acknowledged of your letter of the 9th inst., enclosing a certified copy of the divorce proceedings between Osborne and Sarah Pusley, and the same have been duly filed with the records of the Commission in the matter of your application for enrollment as an inter-married citizen of the Choctaw Nation.

Respectfully,

Commissioner in Charge.

REFER IN REPLY TO THE FOLLOWING:
Cherokee
N.B.666.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 24, 1906.

Chief Clerk,

Choctaw and Chickasaw Enrollment Division,

Dear Madam:

You are advised that on May 11, 1906, application was received at this office for the enrollment of Charles B. McCay as a citizen of the Cherokee Nation.

It appears that the said Charles B. McCay is a minor son of Alfred McCay, a regularly enrolled citizen by blood of the Cherokee Nation, and one Sarah E. McCay, who appears in the affidavit as to the birth of said child as a citizen of the Choctaw Nation.

You are respectfully requested to advise the Cherokee Enrollment Division whether or not application has been received for the enrollment of this child as a citizen of the Choctaw Nation, and, if so, the present status of the case.

Respectfully,

W. O. Beall

S.W.

Acting Commissioner.

7-3669

Muskogee, Indian Territory, January 7, 1907.

Chief Clerk,

Cherokee Enrollment Division,

Muskogee, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of December 24, 1906, asking if application has been made for the enrollment as a citizen of the Choctaw Nation of Charles B. McCay, child of Alfred McCay a regularly enrolled citizen by blood of the Cherokee Nation, and Sarah E. McCay who appears to be a citizen of the Choctaw Nation.

In reply to your letter you are advised that it does not appear from the records of this office that application has been made for the enrollment of Charles McCay as a citizen of the Choctaw Nation under the Act of Congress approved April 26, 1906.

You are further advised that Sarah E. McCay has been enrolled as an intermarried citizen of the Choctaw Nation.

Respectfully,

Commissioner.

Choc 5860 Maxie Askew

Trans from Choc #D-451 Nov 26, 1904

5860

7-D-451

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Record in the matter of the application for the enrollment as a citizen by intermarriage of the Choctaw Nation of:

M A X I E A S K E W.

Commission to the Five Civilized Tribes,

South McAlester, Indian Ter.

In the enrollment of Maxie Askew as an intermarried Choctaw; Daniel Askew being sworn and examined by Com'r McKennon states:

Q What is your name? A Daniel Askew.

Q How old are you? A Twenty-three.

Q You present here a marriage certificate issued by the Clerk of the United States Court at Ardmore, April 22, 1899, to marry Maxie Witter, were you at that time residing in the Chickasaw Nation? A Yes sir.

Q In Pickens County? A Yes sir.

Q You are a Choctaw citizen? A Yes sir.

Q You were admitted by the Dawes Commission as a Choctaw citizen in 1896? A Yes sir.

Examined by Choc Att'y Shackelford:

Q You were married under the United States law? A Yessir.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to the above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

M D Green

COMMISSIONERS.
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Choctaw D-451.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 3, 1902.

Maxie Askew,

Woodville, Indian Territory.

You are hereby notified that the application of yourself for enrollment as a citizen of the Choctaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 11th day of April, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

T. B. Needles.

Register.

Commissioner in Charge.

Department of the Interior.

Commission to the Five Civilized Tribes.

In the matter of the application of Maxie Askew for enrollment as an intermarried citizen of the Choctaw Nation. ---D 451---

On the 3rd day of March, 1902, the applicant was notified by registered mail, and on the 5th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were notified by registered mail, that the application of Maxie Askew for enrollment as a citizen of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 11th day of April, 1902, for final consideration.

For, on this 11th day of April, 1902, this cause coming on to be heard pursuant to said notice, the Choctaw Nation failed to appear and the applicant being called failed to appear either in person or by attorney.

Harry C Risteen, being first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 11th day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Harry C Risteen

Subscribed and sworn to before me this 14th day of April, 1902.

Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes.

Atoka, Indian Territory, September 6, 1904.

In the matter of the application of Maxie Askew for enrollment as a citizen by intermarriage of the Choctaw Nation.

MAXIE ASKEW, having been first duly sworn, testified in her own behalf as follows:

Examination by the Commission.

Q What is your name? A Maxie Askew.
Q How old are you? A I am twenty-three.
Q What is your post-office address? A Roena.
Q What nation is that in? A The Choctaw Nation.
Q How long have you resided in the Choctaw Nation? A About 6 or 8 months. I don't know just how long I have resided in the Choctaw Nation.
Q Where did you live before that? A In the Chickasaw Nation. I was born and raised in the Territory.
Q Lived in the Chickasaw Nation all your life up to the past 6 or 8 months, have you? A Yes, sir.
Q Are you a white woman? A Yes, sir.
Q What is the name of your father? A David Witter.
Q Your mother? A Annie Witter.
Q Are your father and mother living? A My father is,--my mother is dead.
Q Are your father and mother both white people? A Yes.
Q Do you claim to be an intermarried citizen of the Choctaw Nation? A Yes, sir.
Q What is the name of your Choctaw husband? A Daniel B. Askew.

By the Commission: The name of the applicant's husband, Daniel B. Askew, appears upon the records of the Commission on Choctaw Roll Number 343, on the final roll of the citizens by blood of the Choctaw Nation as approved by the Secretary of the Interior opposite Number 14272.

Q When were you married to Daniel B. Askew? A I was married May the 7th, 1899.
Q Were you ever married prior to your marriage to him? A No, sir.
Q Was he ever married prior to this marriage? A No, sir.
Q Where were you married? A Woodville.
Q You were living in the Chickasaw Nation at that time? A Yes.
Q Had been living there all your life? A Yes, sir.
Q Your husband had always been living in the Chickasaw Nation? A Yes, sir, he was raised there.
Q Were you married under a Choctaw or Chickasaw Tribal License?

A No, United States License.
Q Have you ever been married to David B. Askew under any other license? A No, sir.
Q The only license you had was the United States License you got from Ardmore? A Yes, sir.
Q Ever since your marriage to Daniel B. Askew, on April 22, 1899, have you lived together continuously as man and wife? A Yes.
Q There has been no separation, desertion or divorce? A No, sir, but I was not married in April as you spoke it there.
Q When were you married? A May 7th.
Q Have you lived together ever since then? A Yes, sir.
Q Are you now living together as husband and wife? A Yes.
Q And during the past 6 months you have removed over to the Choctaw Nation? A Yes, sir.

Witness excused.

Mary E. Rogers, having been by me first duly sworn, on oath states that the above and foregoing is a full, true and correct transcript of her stenographic notes as taken in said cause on said date.

Mary E. Rogers

Subscribed and sworn to before me on this 12 day of September, 1904.

W. D. Adl
Notary Public.

1 DAWES

Certificate of Record of Marriage.

UNITED STATES OF AMERICA,
THE INDIAN TERRITORY,
SOUTHERN DISTRICT. } sct.

I. C. M. CAMPBELL, Clerk of the United States Court in the Territory and District aforesaid, DO HEREBY CERTIFY, that the License for, and Certificate of Marriage of Mr. Dan Askew and M Mafie Miller were filed in my office in said Territory and District the 11 day of May A. D. 1894, and duly recorded in Book 10 of Marriage Record, page 156.

WITNESS my hand and seal of said Court, at Ardmore, this 12 day of May A. D. 1894

C M Campbell Clerk.

Ardmorite Power Print, Ardmore, I. T.

FILED
MAY 11 1894 8 AM
C. M. CAMPBELL, Clerk.

MARRIAGE LICENSE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
SOUTHERN DISTRICT. } ss: To Any Person Authorized by Law to Solemnize Marriage—Greeting:

You are hereby Commanded, To solemnize the Rite and publish the Banns of Matrimony between Mr. Dan Askew of Woodville in the Indian Territory, aged 23 years, and Miss Marie Witter of Woodville in the Indian Territory, aged 19 years, according to law; and do you officially sign and return this License to the parties therein named.

Witness my hand and official seal, this 22nd day of April A. D. 1897

C. M. Campbell
Clerk of the United States Court

Certificate of Marriage.

UNITED STATES OF AMERICA,
THE INDIAN TERRITORY,
SOUTHERN DISTRICT. } ss.

I, J. J. Arrington a Minister Gospel do hereby certify, that on the 11th day of May A. D. 1897, I did duly and according to law, as commanded in the foregoing License, solemnize the Rite and publish the Banns of Matrimony between the parties therein named.

WITNESS my hand, this 11th day of May A. D. 1897

My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Southern District, at Ardmore, Book A Page 9.

J. J. Arrington
a Minister of the Gospel

NOTE (a)—This License and Certificate of Marriage must be returned to the office of the Clerk of the United States Court in the Indian Territory, at Ardmore, within sixty days from the date thereof, or the party to whom the License was issued will be liable in the amount of One Hundred Dollars, ($100.)

NOTE (b)—No person is authorized to perform the Marriage Ceremony in the Southern District, unless the proper credentials have first been recorded in the Clerk's office.

7-D-451

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Maxie Askew for enrollment as a citizen by intermarriage of the Choctaw Nation.

--: D E C I S I O N :--

It appears from the record herein that the applicant, Maxie Askew, was, on May 9, 1899, lawfully married to Daniel B. Askew, a recognized and enrolled citizen by blood of the Choctaw Nation, whose name appears as number 14272 upon the lists prepared by this Commission under the act of Congress approved July 1, 1902 (32 Stat., 641), of persons entitled to enrollment as citizens by blood of the Choctaw Nation, and approved by the Secretary of the Interior, April 11, 1903; that at the date of said marriage both persons above named were residents in good faith of the Chickasaw Nation, and have lived together as husband and wife in said Nation, from the date of said marriage up to and including September 25, 1902.

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of Ella Jones (I.T.D. 6818-1904), Maxie Askew should be enrolled as a citizen by intermarriage of the Choctaw Nation in accordance with the provisions of the acts of Congress approved June 28, 1898 (30 Stat., 495) and July 1, 1902 (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory.

NOV 9 - 1904

Choctaw D 451

COPY.

Muskogee, Indian Territory, November 9, 1904.

Mamie Aston,

Ryena, Indian Territory,

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered November 9, 1904, granting your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling you as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, your name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Tams Bixby
Chairman.

Registered.
Incl. 7-D-451

Choctaw D 451

COPY.

Muskogee, Indian Territory, November 9, 1904.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission rendered November 9, 1904, granting the application for the enrollment of Mamie Askew as a citizen by intermarriage of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, her name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Tams Bixby

Chairman.

Registered.

Incl. 7-D-451

See Choctaw D 1002 for registry receipt for this letter.

7-D 451

Muskogee, Indian Territory, November 2, 1903.

Daniel Askew,

Oconee, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of October 19, asking why the enrollment of your wife, Maxie Askew, has not been approved.

In reply to your letter you are informed that the Commission has not yet passed upon the application of Maxie Askew, wife of Daniel Askew, for enrollment as an intermarried citizen of the Choctaw Nation and before any further consideration can be given the same it will be necessary for her to appear in person before the Commission at its office at Muskogee, Indian Territory, to testify relative to her status as an intermarried citizen of the Choctaw Nation on September 25, 1902, the date of the final ratification of the Act of Congress of July 1, 1902, by the citizens of the Choctaw and Chickasaw Nations.

Respectfully,

Chairman.

Choctaw D 451

Muskogee, Indian Territory, May 2, 1904.

Daniel B. Askew,

Roena, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of April 25, relative to the claim of your wife, Mexie Askew, to enrollment as an intermarried citizen of the Choctaw Nation.

In reply to your letter you are advised that the Commission has not yet passed upon the application of Maxie Askew for enrollment as an intermarried citizen of the Choctaw Nation. The protest against the Askew family having been overruled by the department Maxie Askew may now appear before the Commission at its office in Muskogee, Indian Territory, as early as practicable, for the purpose of testifying relative to her status as an intermarried citizen on September 25, 1902, the date of the ratification by the Choctaw and Chickasaw Nations of the act of Congress of July 1, 1902.

Respectfully,

Chairman.

7-D-451.

Muskogee, Indian Territory, August 16, 1904.

Maxie Askew,

Roena, Indian Territory,

Dear Madam:

You are hereby notified that before further consideration can be given your application for enrollment as an intermarried citizen of the Choctaw Nation, it will be necessary for you to appear in person before the Commission to testify as to your intermarried status on September 25, 1902.

For this purpose you are requested to appear at Muskogee, Indian Territory, as soon as possible, or at the Land Office at Atoka, Indian Territory, on September the 6th or 7th, 1904, or at the Land Office at Tishomingo, Indian Territory, on September the 8th or 9th, 1904.

Respectfully,

Commissioner in Charge.

MEMORANDA.

(Date) Sept 7 1899.

Name .....

Choctaw? ..... County ..... Year ..... No. .....

Chickasaw? ..... County ..... Year ..... Page .....

Citizen by blood? ..... Mother's citizenship .....

Intermarried citizen? .....

Married under what law? .....

License filed this day, ...

Wife's name, Maggie Askew

Choctaw? yes County ..... Year ..... No. .....

Chickasaw? ..... County ..... Year ..... Page .....

Citizen by blood? ..... Mother's citizenship U S

Intermarried citizen? yes

Married under what law? .....

License filed this day yes

Names of children:

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

As to marriage see testimony of Daniel Askew, husband

A-451.

Cloc 5861 Avonlea Ashby

Trans from Cloc ED 452 Nov 25 1897

1885

7-D-452

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Record in the matter of the application for the enrollment as a citizen by intermarriage of the Choctaw Nation of:

ARKANSAS ASKEW.

Commission to the Five Civilized Tribes,

South McAlester, Indian Ter.

In the enrollment of Arkansas Askew as an intermarried Choctaw; Oscar Askew being sworn and examined by Com'r McKennon states:

Q What is your name? A Oscar Askew.

Q How old are you? A Nineteen.

Q You were admitted by the Dawes commission, case #1130, in 1896, as a citizen of the Choctaw Nation, by blood?

A Yes sir.

Q You present here a license and certificate of marriage, showing that you were married to Arkansas Vass, dated September 8th 1898, where were you living at the time you were married?

A In Pickens County, Chickasaw Nation.

Q Where did you marry her? A Just across the river from Woodville, on the Texas side.

Q You went over there on purpose? A It was closer to Sherman than to Ardmore, and that's the law, to marry in the state where you got your license.

Q This license was issued at Sherman, Texas was it? A Yessir

Q You married under this license under the Texas law? A Yessir

---

Department of the Interior,
Commission to the Five Civilized Tribes.
I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

M D Green

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Choctaw D-452.

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 3, 1902.

Arkansas Askew,

Woodville, Indian Territory.

You are hereby notified that the application of yourself for enrollment as citizen of the Choctaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 11th day of April, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

Register.

T. B. Needles.

Commissioner in Charge.

Department of the Interior.

Commission to the Five Civilized Tribes.

In the matter of the application of Arkansas Askew for enrollment as an intermarried citizen of the Choctaw Nation. ---D 452---

On the third day of March, 1902, the applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were notified by registered mail, that the application of Arkansas Askew for enrollment as a citizen of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 11th day of April, 1902, for final consideration.

Now, on this 11th day of April, 1902, this cause coming on to be heard pursuant to said notice, the Choctaw Nation failed to appear, and the applicant being called failed to appear either in person or by attorney.

Harry C Ristеen, being first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 11th day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Harry C Ristеen

Subscribed and sworn to before me this 14th day of April, 1902.

Thomas Bellwood

Notary Public.

Department of the Interior
Commission to the Five Civilized Tribes
Tishomingo, I.T. November 3, 1902.

Choctaw D-452.

In the matter of the application for enrollment as a citizen by intermarriage of the Choctaw Nation of Arkansas Askew.

Arkansas Askew being first duly sworn testified as follows:

Examination by the Commission

Q What is your name? A Arkansas Askew.
Q What is your age? A Twenty-three.
Q What is your post office address? A Woodville.
Q You claim the right to enrollment as a citizen by intermarriage of the Choctaw Nation? A Yes, sir.
Q What is the name of your husband through whom you claim the right to enrollment? A Oscar Askew.
Q Is he living? A Yes, sir.
Q Citizen by blood of the Choctaw Nation? A Yes, sir.
Q When were you married to him? A In '98.
Q Where were you living at the time of your marriage? A Woodville
Q In the Chickasaw Nation? A Yes, sir.
Q How long had you been living in Woodville prior to your marriage? A Four years.
Q You state that you were living at Woodville at the time of your marriage? A Yes, sir.
Q Married at Woodville? A Married in Texas, across the River.
Q Where was your husband living at the time and just prior to your marriage? A In the Chickasaw Nation.
Q How long had he lived in the Chickasaw Nation prior to your marriage that you know of? A No answer.
Q Did you reside in Texas after that marriage to Mr. Askew? A No, sir.
Q You married in Texas and came right back across the river to the Chickasaw Nation? A Yes, sir.
Q Have you continued to reside in the Chickasaw Nation continuously since the time of your marriage up to the present time? A Yes, sir
Q Never been outside of the Territory to establish a home or make a residence? A No, sir.
Q You and your husband have continued to live as husband and wife since the time of your marriage? A Yes, sir.
Q There has been no separation of any kind or character between you? A No, sir.
Q Are you his first wife? A Yes, sir.
Q He is your first husband? A Yes, sir.

Witness excused.

Oscar Askew called as a witness after being first duly sworn testified as follows:

Examination by the Commission

Q What is your name? A Oscar Askew.
Q What is your age? A Twenty-two.
Q Your post office address? A Woodville, Chickasaw Nation.

Q Are you the husband of Arkansas Askew who claims the right to enrollment as an intermarried citizen of the Choctaw Nation? A Yes,sir.
Q Where were you married? A The 16th of October 1898.
Q What was your residence at the time of your marriage? A Woodville.
Q In the Chickasaw Nation? A Yes,sir.
Q How long had you lived in the Chickasaw Nation prior to your marriage to your wife Arkansas? A Nineteen years.
Q Livedin the Chickasaw Nation ever since your birth? A I wasthree months old.
Q Where did you come from to the Chickasaw Nation? A Came from Alabama.
Q You never resided in the Choctaw Nation? A No,sir.
Q Never had a residence of any kind in the Choctaw Nation? A No, sir.
Q Where were you married? A I was married at Preston Bend across the River in Texas.
Q Where did you obtain yourmarriage license? A Sherman.
Q In Texas? A Yes,sir.
Q You were not married to your wifethen under a Chickasaw license? A No,sir.
Q That is the only marriage ceremony between you, that one that was performed in Texas? A Yes,sir.

G. Rosenwinkel beingduly sworn on his oathstates that as stenographer to the Commission to the Five Civilized Tribes he reportedin full all the proceedings had in the above entitled cause on November 3,1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on saiddate.

G Rosenwinkel

Subscribedand sworn to before me this 15 day of December 1902.

Charles K Davenport
Notary Public.

7-D-452.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Arkansas Askew as a citizen by intermarriage of the Choctaw Nation.

-: D E C I S I O N :-

It appears from the record herein that the applicant Arkansas Askew, was on October 16, 1898, lawfully married, under the laws of the State of Texas and in that state, to Oscar Askew, a recognized and enrolled citizen by blood of the Choctaw Nation, whose name appears as number 14274 upon the lists prepared by this Commission, under the act of Congress approved July 1, 1902 (32 Stat., 641), of persons entitled to enrollment as citizens by blood of the Choctaw Nation, and approved by the Secretary of the Interior on April 11, 1903; that at the date of said marriage both persons above mentioned were residents in good faith of the Chickasaw Nation, and have lived together as husband and wife in said nation continuously from said date up to and including September 25, 1902.

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of Ella Jones (I.T.D. 6818-1904), Arkansas Askew should be enrolled as a citizen by intermarriage of the Choctaw Nation, in accordance with the provisions of the acts of Congress approved June 28, 1898 (30 Stat., 495), and July 1, 1902 (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
NOV 3 1904

COPY.

7-D-432

Muskogee, Indian Territory, November 3, 1904.

Arkansas Ashew,

Colbert, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered November 3, 1904, granting your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling you as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, your name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

Tams Bixby

Chairman.

Registered.

Incl. 7-D-432.

7-D-452

COPY.

Muskogee, Indian Territory, November 3, 1904.

Mansfield, McMurray and Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission, rendered November 3, 1904, granting the application for the enrollment of Arkansas Askew as a citizen by intermarriage of the Choctaw Nation.

You are hereby notified that you will be allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If at the expiration of said time no protest has been filed, her name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED)

Tams Bixby

Chairman.

Registered.

Encl. 7-D-452.

See 7-451B for registry receipt for this letter.

No _____

Marriage License.

Oscar Askew

AND

Arkansas Voss

Issued the _____ day of

_____ 187_

_____

Clerk County Court _____ Co

By _____ Deputy.

Filed the _____ day of

_____ 187_

_____

Clerk County Court _____ Co

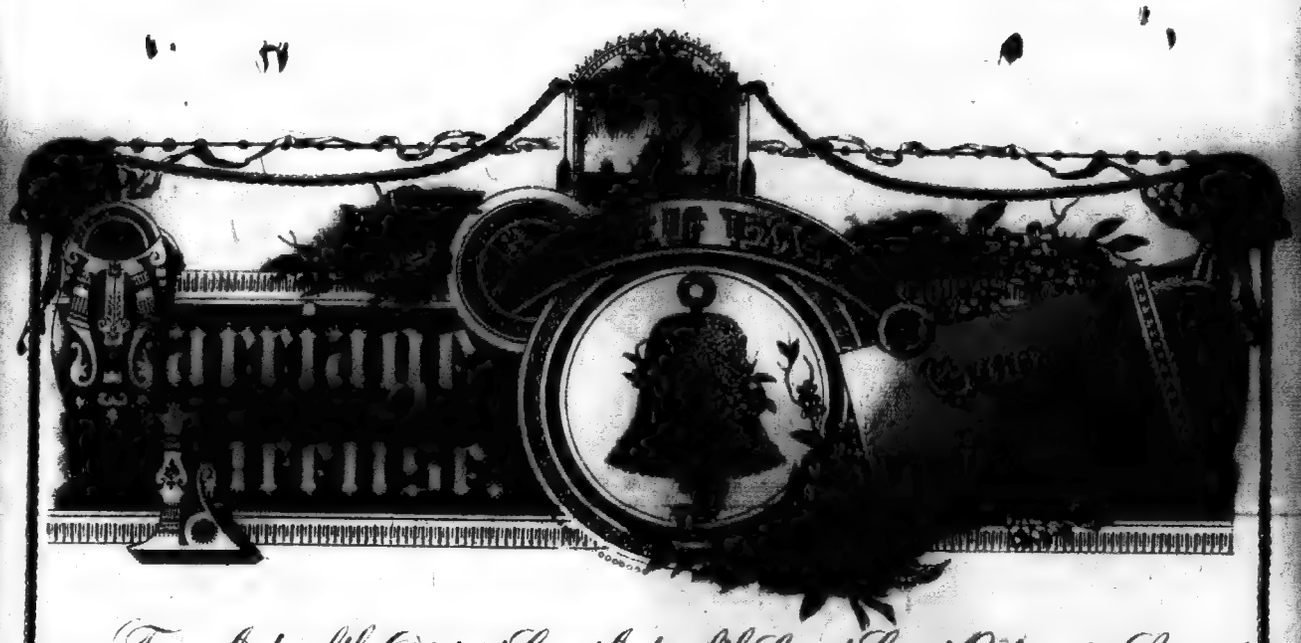
By _____ Deputy.

Recorded in Book _____ Page _____ of Marriage Records

State of Texas } I L. M Tuck clerk County Court
Grayson County } in and for said State and County
do hereby certify the the above and foregoing
is a true and correct copy of the marriage
license of Oscar Askew and Arkansas Woss
with the return thereon as the same appears
of Record in Book D. Page 372. Grayson
County Marriage Records.
Given under my hand and seal of office this 2"
day of September 1899

L. M. Tuck clerk
By Tom Everheart
Deputy

[redacted]



To any Judge of the District Court, Judge of the County Court, Ordained or Licensed Minister Jewish Rabbi, or Justice of the Peace of Grayson County Greeting:

You are Hereby Authorized to Celebrate the

RITES OF MATRIMONY

Between Oscar Askew

and Arkansas Wass

and make due return to the Clerk of said Court within sixty days thereafter, certifying your action under this License.

Witness my Official Signature and Seal

L.S. this 5th day of Sept 1878

L M Tuck Clerk

By Tom Everheart Deputy

I J. T. Arrington certify that on the 16th day of Oct 1878

I united in Marriage Oscar Askew

and Arkansas Wass the parties above named.

Witness my hand this 23d day of Oct 1878

J. T. Arrington

Minister of the Gospel

Returned and filed for record the ____ day of ____ 187

and recorded the ____ day of ____ 187

____ Deputy ____ County Clerk

Clarke & Courts, Stationers, Printers & Lithographers, Galveston.

MEMORANDA.

(Date) Sept 7 1899.

Name .....

Choctaw? ..... County ..... Year ..... No. .....

Chickasaw? ..... County ..... Year ..... Page .....

Citizen by blood? ..... Mother's citizenship .....

Intermarried citizen? .....

Married under what law? .....

License filed this day .....

Wife's name, Arkansas Askew

Choctaw? yes County ..... Year ..... No. .....

Chickasaw? ..... County ..... Year ..... Page .....

Citizen by blood? ..... Mother's citizenship U.S.

Intermarried citizen? yes

Married under what law? Ind. Ty.

License filed this day yes

Names of children:

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

as to marriage see testimony of husband Oscar Askew.

D-152

Muskogee, Indian Territory, March 8, 1901.

Mansfield, McMurray & Cornish,

Attorneys at Law,

South McAlester, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 2nd instant, in which you desire to be informed if Arkansas Askew has been listed for enrollment as a citizen by intermarriage of the Choctaw Nation; and, if so, that you be furnished with the number of her card, and her post office address as the same appears thereon.

We have to inform you that it appears from our records that on September 7, 1899, Arkansas Askew, twenty years of age, appeared before the Commission and made application for enrollment as a citizen by intermarriage of the Choctaw Nation; her post office address, as given at that time, was Woodville, Indian Territory.

The name of this applicant appears upon our records on Choctaw roll card, Field Number D-452.

Yours truly,

Acting Chairman.

7 -D-452.

T-D 462

Muskogee, Indian Territory, November 2, 1903.

Oscar Askew,

Colbert, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of October 26, in which you ask if the enrollment of your wife, Arkansas Askew, has been approved.

In reply to your letter you are informed that the Commission has not yet passed upon the application of Arkansas Askew for enrollment as an intermarried citizen of the Choctaw Nation. As soon as a decision is reached in this case she will be notified of the action taken therein.

Respectfully,

Chairman.

Muskogee, Indian Territory, June 8th 1904.

O. E. Askew,

Calbert, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of June 6, 1904, in which you ask if the enrollment of your wife this year approved.

In reply to your letter you are informed that you do not state the name of your wife, but it appears from our records that Arkansas Askew, wife of Oscar Askew, is an applicant to this Commission for enrollment as an intermarried citizen of the Choctaw Nation. The Commission has not up to this time passed upon the application for enrollment of Arkansas Askew as an intermarried citizen of the Choctaw Nation, but as soon as a decision is reached in this case you will be notified of the action taken thereon.

Respectfully,

Chairman.

7-D-468

Muskogee, Indian Territory, October 14, 1904.

Oscar Askew,

Colbert, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of the 9th instant, requesting information relative to the enrollment of your wife, Arkansas Askew.

You are informed that the Commission has not yet passed upon the application for enrollment of Arkansas Askew as an intermarried citizen of the Choctaw Nation. As soon as a decision is reached in her case she will be duly notified of the action taken therein.

Respectfully,

Commissioner in Charge.

7-5841

Muskogee, Indian Territory, December 6, 1904.

Deane Askew,

Nelbert, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of November 30, 1904, asking if the name of your wife Arkansas Askew has been approved so that she can now select an allotment of land.

In reply to your letter you are informed that Arkansas Askew has been enrolled by the Commission and her name placed upon a schedule of intermarried citizens of the Choctaw Nation, which has been forwarded to the Secretary of the Interior, but the Commission has not yet been advised of departmental action thereon.

Pending her approval by the Secretary of the Interior no selection of allotment can be made in her behalf.

Respectfully,

Chairman.

Choc 5862 Martha H. Brashears

Trans from Choc # D-453 Nov 25, 1904

5862

7-D-453.

DEPARTMENT OF THE INTERIOR?
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Martha H. Brashears as a citizen by intermariage of the Choctaw Nation.

Cherokee D 483

COPY.

Muskogee, Indian Territory, November 9, 1904.

Martha E. Meadows,

Bache, Indian Territory,

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered November 9, 1904, granting your application for enrollment as a citizen by intermarriage of the Cherokee Nation.

The attorneys for the Cherokee and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling you as a citizen of the Cherokee Nation. If at the expiration of that time no protest has been filed, your name will be placed upon the final rolls of the citizens of the Cherokee Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Tams Bixby

Chairman.

Registered.
Incl. 7-D-483

Choctaw D 455

COPY.

Muskogee, Indian Territory, November 9, 1904.

J. C. Pool,

Attorney at Law,

Nocona, Texas,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on November 8, 1904, rendered its decision granting the application for the enrollment of Martha H. Brashears as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, her name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

Chairman.

Registered.

Choctaws 439

COPY.

Muskogee, Indian Territory, November 5, 1904.

C. M. Threadgill,
Attorney at Law,
Coalgate, Indian Territory,
Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on November 5, 1904, rendered its decision granting the application for the enrollment of Martha H. Brashears as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, her name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

ENGINEER

Tams Bixby

Chairman.

Enclosure.

Choctaw D 453

COPY.

Muskogee, Indian Territory, November 9, 1904 .

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission rendered November 9, 1904, granting the application for the enrollment of Martha H. Brashears as a citizen by intermarriage of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, her name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED)

Tams Bixby

Chairman.

Registered.

Incl. 7-D-453

See Choctaw D 1002 for registry receipt for this letter.

F.P.B
061

7-D-453.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Martha H. Brashears for enrollment as a citizen by intermarriage of the Choctaw Nation.

--: D E C I S I O N :--

It appears from the record herein that Martha H. Brashears (nee Grissom), on March 5, 1885, was lawfully married to Albert Brashears, a recognized and enrolled citizen by blood of the Choctaw Nation, who is identified upon the 1885 Choctaw Census Roll, Atoka County, number 824; that at the time of said marriage both persons above named were residents in good faith of the Choctaw Nation; that they lived together continuously as husband and wife for about four weeks, when they separated; and that the applicant herein was a resident in good faith of the Choctaw Nation from the date of her marriage to the said Albert Brashears up to and including September 25, 1902, and no divorce was obtained.

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of Thornton D. Pearce (I.T.D. 4060-1904), relative to the question of forfeiture, Martha H. Brashears should be enrolled as a citizen by intermarriage of the Choctaw Nation in accordance with the provisions of the acts of Congress approved June 28, 1898 (30 Stat., 495) and July 1, 1902 (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

NOV 9 - 1904

"Copy"

Marriage Certificate

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAR 26 1903

CHAIRMAN.

This is to certify. That Albert Brashers of Savanna in the Indian Territory. and Martha A. Grisson 25 of Savanna. I.T. Were united in Holy Matrimony on the 5th day of March. in the year of our Lord. One Thousand Eight Hundred and 86- in accordance with the ordinance of God. and the laws of the Indian Territory and the usages of the Choctaw Nation.

H. A. Tucker.
L.E. Brashears.
James Grisson.

I hereby certify that the above is a true and correct copy of the Marriage certificate as taken from Record Book A. page 356.
This 31st day of May 1893-

J. P. Thompson. Clk.
By H. A. Ansley. D.C.
Tobuckey County. C.N.

7-D-453.

Department of the Interior,
Commission to the Five Civilized Tribes.
Atoka, Indian Territory,
March 12, 1903.

In the matter of the application of Martha H. Brashears for enrollment as an intermarried citizen of the Choctaw Nation.

Martha H. Brashears being duly sworn testifies as follows:

Examination by the Commission.

Q What is your name? A Martha H. Brashears.
Q How old are you? A Forty-three years old.
Q What is your post office address? A Coalgate, Indian Territory.
Q That is in the Choctaw Nation? A Yes sir.
Q How long haveyou lived in the Choctaw Nation? A Been living in here about 22 years.
Q Have you lived here continuously for the past 22 years? A No sir, not all the time, I reckon about a year of it I wasn't.
Q Where were you during that year? A In Arkansas.
Q What year was that? A I cant remember.
Q About how long ago? A About 12 years.
Q Are you a white woman? A Yes sir.
Q Do you claim the right to enrollment as an intermarried citizen of the Choctaw Nation? A Yes sir.
Q What is the name of your Choctaw husband through whom you claim this right? A Albert Brashears.
Q Is he a recognized and enrolled citizen by blood of the Choctaw Nation? A Yes sir, I reckon so.
Q When were you married to this man? A I cant remember; I never kept no notice of dates; I have been sick so much I dont remember.
Q About how long ago? A I dont remember.
Q Where were you married to him? A Savanah, Choctaw Nation.
Q Were both you and he living in the ChoctawNation at that time? A Yes sir.
Q Who performed the marriage ceremony? A A man named Tucker.
Q Was he a minister of the gospel? A Yes sir.
Q Is he still living? A I dont know whether he is or not.
Q What church was he a minister of? A The Methodist I think.
Q He was in the habit of performing marriage ceremonies there was he? A Yes sir.
Q Were you ever married before your marriage to this man? A No sir.
Q Was he ever married before his marriage to you? A No sir.
Q Are you living together at the present time? A No sir.
Q Is he dead? A I dont know whether he is or not.
Q You separated? A Yes sir.
Q Were you divorced? A No sir.
Q Did you ever obtain a divorce from him? A No sir.
Q Did he ever obtain one from you? A No sir.
Q What was the cause of this separation? A Well he wouldn't treat me right; wouldn't try to work and make me a living, and wouldn't stay at home with me, and I couldn't live with him.
Q Did you leave him? A No sir, he went off and left me.
Q You have never seen him since that time? A No sir, never have seen him, and never have heard from him but once since.

and I heard he was in the penitentiary; and I dont know what became of him.
Q Have you ever married again? A No sir.
Q You have lived in the Choctaw Nation all the time since that marriage have you? A Yes sir, all the time.
Q What was your name before you were married? A Grissom.

W K Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at Atoka, Indian Territory, on the 12th day of March, 1903, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

W K Martin

Subscribed and sworn to before me this 30 day of March, 1903.

Charles N. Sawyer

Notary Public.

DEPARTMENT OF THE INTERIOR?
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Atoka, Indian Territory, December 5, 1900.

The Choctaw Nation :
:
vs. : D- 453.
:
Martha H. Brashears. :
:

A P P E A R A N C E S :
For the Nation, Melvin Cornish, Esq.,
For the Applicant, J. O. Poole, Esq.

By Mr. Cornish: Our contention is that at this time, we have seen no proof of any legal marriage. It would be well for the applicant to furnish either the original or a certified copy because, from certain information which comes to us, we would not be willing to take the notation on the card as proof of marriage.

S. H. Mackey being first duly sworn by Acting Chairman Bixby, testified as follows:
By Mr. Cornsih:
Q What is your name? A S. H. Mackey.
Q You live at Savannah? A Yes sir.
Q You are a Choctaw Indian by blood? A Yes sir.
Q Do you know a Choctaw family of Brashears? A I know George and Albert.
Q How long have you known Albert? A Ever since '85.
Q Where was he living at that time? A Sometimes at Savannah and sometimes at McAlister.
Q How old a man was he at that time? A About 20.
Q Did he have relatives living at Savannah or McAlister? A Yes, at Savannah he had some.
Q For how long? A They were old settlers.
Q Was this man Brashears raised in Savannah? A I don't know.
Q You happened to know him sometime in '85? A Yes sir.
Q Did you know of his marriage to a white woman named Martha H. Grissom? A No sir.
Q Then you have no knowledge or information as to his marriage to this woman, Martha H. Grissom? A No, I heard of his living with the woman but not his being married to her.
Q When was this he lived with this woman, and where?
A Near Savannah. I got my information from James David.
Q Was it your information that he was not married to this woman?
A Yes sir.
Q Where, about Savannah, was he living with this woman? A I didn't know that; I didn't learn that.
Q What became of Albert Brashears? A I don't know what became of him; I haven't heard of him for a long while.
Q How long since you have heard of him? A I think about '87 was the last time I saw him in McAlister.
Q Is he now living? A I don't know that.
Q He lived in Savannah about the time you mention? A Yes sir.
Q And you knew his people about that time? A Yes sir.
Q You heard of his living with this woman, but you have no information that he was married to her? A No sir.
Q Your information was that he was not married to her? A Yes sir.

CROSS EXAMINATION.

By Mr. Poole:
Q You don't know whether he was marrie d or not? A No sir.
Q He might have been married? A Yes sir.
Q Was he living with this woman as his wife? A Yes, that was my understanding.

Geroge Brashears being first duly sworn by Acting Chairman Bixby, testified as follows:

By Mr. Cornsih.
Q What is your name? A George Brashears.
Q Where do you live? A Hartshorn.
Q In the Choctaw Nation? A Yes sir.
Q You are a Choctaw Indian? A Yes sir.
Q And recognized as such? A Yes sir.
Q How old are you? A I don't know my age exactly; think I am 38.
Q Do you know Albert Brashears? A I don't know him by the name of Albert Brashears.
Q You don't know a man by the name of Albert Brashears? Do you know a man by the name of Alfred Brashears? A Yes, he was my brother.
Q Is he living? A No sir.
Q When did he die? A He had been dead ten years.
Q Then he died about 1890? A Yes, '90-1.
Q Did he at one time live around Savannah? A He lived with me six miles from Savannah.
Q When was that? A That was along in '84, say from '72 until '87
Q Did your brother Alfred live near you. A He was with me the biggest part of the time.
Q Did he live with you in 1886-7? A Yes, he was at home sometimes then.
Q Do you know whether or not he was ever married to a white woman named Martha H. Grissom? A Not that I ever knew of.
Q Isn't it likely if he had been married and had a wife you would have known it? A It seems like it would.
Q During these years 1884-6-7 until you left them, how long at a time would he be away from your place? A Sometimes about a week and s sometimes he would be away a month. He would go about Skulleyville.
Q He was about your house except when he was temporarily absent?
A Yes, he considered my house his home.
Q He was never married to Martha H. Grissom, so far as you know?
A No sir.
Q Do you know this woman, Martha H. Grissom? A Well, it appears to me that there was some woman in Savannah where he staid about a week or so in a little old cabin northeast of the town. Martha Grissom I think was her name. I heard fellows deviling him about her.
Q Was he married to her? A Not that I know of; he said he was not.
Q Did you ever hear the woman say anything about it? A I never saw her that I know of.

----------o----------

Frances M. Brown having been first duly sworn upon her oath states that as stenographer to the commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 8th day of December, 1900, and that the above and fore-

members.

going in a full, true and correct transcript of her stenographic notes, of said proceedings of said date.

Subscribed and sworn to before me this 5th day of December, 1900.

Acting Chairman.

Commission to the Five Civilized Tribes,

South McAlester, Indian Ter.

In the enrollment of Martha H. Brashears as an intermarried Choctaw; being sworn and examined by Com'r McKennon she states:

Q What is your name? A Martha H. Brashears.

Q How old are you? A Thirty-six.

Q What was your husband's name? A Albert Brashears.

Q When did you marry him? A In 1886.

Q How long did you live with him? A Four weeks.

Q Did you then separate from him? A He went off and left me.

Q Have you seen him since? A No sir.

Q Where did you live then? A By Savanna here in the Choctaw Nation.

Q You never have seen him since? A No sir .

Q What do you know about him, anything? A No sir, nothing at all.

Q Did you ever hear anything about him? A I heard about him once about six years ago.

Q What did you hear about him? A I heard he was in the penitentiary.

Q Do you know where he went from? A No sir.

Examined by Choc Com'r Lewis:

Q Was he George Brashear's brother? A Yes sir.

(Com'r Lewis states that George Brashear's brother was named Alfred Daniel Brashears.)

Examined by Com'r McKennon: Q Who married you? A H.A.Tucker, he was a Methodist Preacher.

Q Do you know his given name? A No sir.

Q You have never married any more? A No sir .

Q Have you been living all the while in the Territory? A Yes sir, only about a year over in Arkansas.

Q What year was that? A I don't know; it has been six or

eight years ago.

Q Have you been living here all the while since you were married?

A No sir,- all but one year.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

M D Green

COMMISSIONERS:
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BREVOORT.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Choctaw D-453.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 3, 1902.

Martha H. Brashears,

Coalgate, Indian Territory.

You are hereby notified that the application of yourself

for enrollment as citizen of the Choctaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 11th day of April, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

Register.

T. B. Needles.

Commissioner in Charge.

Choctaw D-453.

In the matter of the enrollment of Martha H. Brashears as an intermarried citizen of the Choctaw Nation.

PROTEST of
Choctaw and Chickasaw Attorneys

Protest overruled by Dept. March 25. 1904.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
FEB 6 1904

Chairman

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Martha H. Brashears as a citizen by intermarriage of the Choctaw Nation, Choctaw Field No. D-453.

- - - - - - -

We hereby request, on behalf of the Choctaw and Chickasaw Nations, that final decision inthis case be postponeduntil final decision by the Choctaw and Chickasaw Citizenship Court in the case of B. F. Thompson vs. Choctaw and Chickasaw Nations, No. 38 on the South McAlester Docket, in which the said court will decide the validity of that portion of the intermarriage laws of the Choctaw Nation providing for the forfeiture of citizenship of white persons who separate from their Indian spouses, which question is involved in the case to which this communication refers.

This request is filed under authority granted by the Honorable Secretary of the Interior in his communication to the Commission to the Five Civilized Tribes upon the subject, dated November 18, 1903.

Attorneys for the Choctaw & Chickasaw Nations.

January 23, 1904.

Department of the Interior.

Commission to the Five Civilized Tribes.

In the matter of the application of Martha H.Brashears for enrollment as an intermarried citizen of the Choctaw Nation. ---D 453---

On the third day of March, 1902, the applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were notified by registered mail, that the application of Martha H. Brashears for enrollment as a citizen of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 11th day of April, 1902, for final consideration.

Now, on this 11th day of April, 1902, this cause coming on to be heard pursuant to said notice, the Choctaw Nation failed to appear and the applicant being called failed to appear either in person or by attorney.

Harry C Risteen, being first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 11th day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Harry C Risteen

Subscribed and sworn to before me this 14th day of April, 1902.

Clarence Stallcook

Notary Public.

(Copy)

****

THIS IS TO CERTIFY

that

ALBERT BRASHEAR, of Savanna, in the Ind. Ter.----------
and
MARTHA M. GRISSOM, of Savanna, I. T.----------
were united in Holy Matrimony, on the 5th day of Mar. in the year of our Lord One Thousand Eight Hundred and 85, in accordance with the ordinance of God and the laws of the Ind. Ter., and the usages of the Choctaw Nation.

(signed) H. A. TUCKER,

Witnesses:
L. E. Brashears;
James Grissoom.

Recorded this 1st day of May, 1886.
(signed) E. R. CHANDLER, Clerk

on page 356.

MEMORANDA.

(Date) Sept 8 1899.

Name

Choctaw? County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day,

Wife's name, Martha A. Brashears

Choctaw? yes County Year No.

Chickasaw? yes County Year Page

Citizen by blood? Mother's citizenship US

Intermarried citizen?

Married under what law?

License filed this day

Names of children:

	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.

Certificate of marriage of Albert Brashears & Martha A. Grisson Mch 5/86 exhibited, in due form & satisfactory but not in condition to be filed

for marriage & registration fee be returned

5453

7D453

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
DEC 5 1900

ACTING CHAIRMAN

2669-1

280 Land Tag

This is to Certify

THAT

Albert Brewer 21 of Wa[illegible] 25 in the
[illegible] and [illegible] of
[illegible]

WERE UNITED IN

HOLY MATRIMONY

ON THE

5th day of March in the year of
OUR LORD One Thousand Eight Hundred and
5 in accordance with the Ordinance of
God and the Laws of the Said Lord
and the usages of the [illegible]

WITNESSES.

H. A. [illegible]
L C Bradsheard
James Widdow

Copyrighted by David W Crider 1882

Published by Crider & Brother, York Pa

Recorded this 4th day of March 1886
by J. Chandler Clerk
on page 332

COMMISSIONERS:
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WILLIAM L. ALDERSON,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muscogee, Indian Territory,
August 16th, 1900.

Martha A. Brashears,
Coalgate, Indian Territory,

Dear Madam:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs McKennon, Mansfield, McMurray, & Cornish, has filed with this Commission a notice of protest to your enrollment as a citizen of the Choctaw Nation.

TheCommission, commencing December 3rd, 1900, will hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Tams Bixby
Acting Chairman.

7-D-453.

Muskogee, Indian Territory,

August 16th, 1900.

Martha A. Brashears,

Coalgate, Indian Territory.

Dear Madam:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs McKennon, Mansfield, McMurray, & Cornish, has filed with this Commission a notice of protest to your enrollment as a citizen of the Choctaw Nation.

TheCommission, commencing December 3rd, 1900, will hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Acting Chairman.

T-M-453.

7-D-482

Muskogee, Indian Territory, February 25, 1903.

Martha M. Brashears,

Coalgate, Indian Territory.

Dear Madam:

It is the present intention of the Commission to est establish land offices in the Choctaw and Chickasaw nations April 1, 1903. The act of Congress approved July 1, 1902, provides:

"No person whose name does not appear upon the rolls as herein provided shall be entitled in any manner to participate in the distribution of the common property of the Choctaw and Chickasaw tribes."

It will be necessary, before your right to enrollment as an intermarried citizen of the Choctaw Nation can be determined, that you appear before the Commission and testify as to your status on September 25, 1902.

For this purpose the Commission has made an appointment at Atoka, Indian Territory, March 10 to 13, 1903, and you should personally appear at this place on one of the above dates for the purpose herein indicated. No further action can be taken relative to the determination of your right to enrollment until this testimony is received.

Respectfully,

Chairman.

7-D-453.

Muskogee, Indian Territory. March 27, 1903.

J.O. Pool,
Attorney at Law,
Nocona, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 20th inst., enclosing certificate of marriage between Albert Brashears and Martha H. Grissom; and the same has been duly filed with the records of the Commission in the matter of the application for enrollment of Martha H. Brashears as an intermarried citizen of the Choctaw Nation.

Respectfully,

Chairman.

7-B-453

Muskogee, Indian Territory, December 28, 1903.

Mrs. Martha Beshers,

Sealgate, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of December 19,1903, in which you ask if your case has been approved by the Secretary of the Interior.

In reply to your letter you are informed that the Commission has not yet passed upon the application of Martha H. Brashears for enrollment as an intermarried citizen of the Choctaw Nation.

As soon as a decision is reached in this case, you will be notified of the action taken therein.

Respectfully,

Chairman.

Choctaw D 453

Muskogee, Indian Territory, February 12, 1904.

Martha H. Breshears,

Coalgate, Indian Territory.

Dear Madam:

You are hereby advised that under direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Choctaw and Chickasaw Nations dated January 23, 1904, no further action will be taken relative to your enrollment as an intermarried citizen of the Choctaw Nation until the Commission is further instructed by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

Chickasaw D 329
Choctaw D 346
Choctaw D 463

Muskogee, Indian Territory, February 19, 1904.

J. O. Pool,

Washington, D. C.

Dear Sir:

Receipt is hereby acknowledged of your letter of February 8, in which you ask that the cases of Nancy Fulson, Dorcas Compton a and Martha Brashiers, all intermarried citizens of the Choctaw and Chickasaw Nations, be passed on at an early date and that you be notified of the decisions therein.

In reply to your letter you are advised that the Commission has not yet passed upon the applications of Nancy Fulsom and Martha Brashears for enrollment as intermarried citizens of the Choctaw Nation nor the application of Dorcas Cumpton for the enrollment of herself as an intermarried citizen of the Chickasaw Nation and for the enrollment of her son, Clarence C. McLish, as a citizen by blood of the Chickasaw nation.

You are further advised that on February 6, 1904, there was filed with the Commission the protest of the attorneys for the Choctaw and Chickasaw Nations requesting that no further action be taken in the case of Martha Brashears and also in the case of Dorcas Compton and her sonClarence C. McLish until the decision of the Choctaw and Chickasaw Citizenship Court in analogous cases pending before it.

J O P 2

The Commission was directed by the Secretary of the Interior in a communication of November 18, 1903, to withhold action in such cases where protests were filed by the attorneys for the Nations, and is therefore estopped from taking further action in these cases until otherwise directed by the Department.

Replying to that part of your letter in which you invite attention to the action of the Citizenship Court on the marrying out question, you are advised that the Commission has been unofficially advised that the Choctaw and Chickasaw Citizenship Court had decided that persons could not marry out, in the case of Thomas Brannon, but in the copy of the decree of said court in this case which was forwarded the Commission by the Clerk of that Court no mention was made of the marrying out question although this is one of the questions involved in the case as it was presented to the Commission.

You are further advised that the question of whether the Commission is to take cognizance of the decisions of the Citizenship Court in rendering decisions in cases pending before said Commission, is now before the Department and we have not been advised as to any action having been taken therein by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

Choctaw 453

Muskogee, Indian Territory, April 28, 1904.

Marthy H. Brashears,

Coalgate, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your letter of April 18, asking that your mail be sent to Coalgate, Indian Territory, and your request has been made a matter of record.

Respectfully,

Chairman.

Choctaw R 448;P 455
Chickasaw R 130

Muskogee, Indian Territory, June 1, 1904.

J. O. Pool,

Nocona, Texas.

Dear Sir:

Your letter without date, addressed to the Secretary of the Interior, has been by him referred to the Commission for consideration and appropriate action. Therein you refer to the cases of Nancy Folsom, Martha Brashiers and Docias Compton, applicants to the Commission for enrollment as intermarried citizens, and their children, for enrollment as citizens by blood, and request the Secretary of the Interior to instruct the Commission to pass on these cases.

In reply to your letter you are advised that the Commission has not yet passed upon the applications of Martha H. Brashears and Nancy Folsom, for enrollment as intermarried citizens of the Choctaw Nation, but will, as early as practicable, take up the same for consideration and determination. As soon as decisions are reached in these cases the applicants will be notified of the action taken therein. As you do not mention the names of their children, referred to by you, it is impracticable to give you any information relative to the status of their enrollment.

You are further advised that on February 6, 1904, there were filed with the record in this case the protests of the attorneys

for the Choctaw and Chickasaw Nations, under date of January 24,1906, in which they request that further action in the matter of the application for the enrollment of Dorcas Compton as an intermarried citizen of the Chickasaw Nation and for the enrollment of her son, Clarence C. McLish, as a citizen by blood of the Chickasaw Nation be postponed until final action of the Choctaw and Chickasaw Citizenship Court in the cases of John C. Bradshaw and Evans Hill, et al, versus the Choctaw and Chickasaw Nations.

The Commission cannot, therefore, under Departmental instructions, take up for consideration and disposition at this time, the application of Dorcas Compton for the enrollment of herself and her son as citizens of the Chickasaw Nation.

Respectfully,

Chairman.

7-D-455

Muskogee, Indian Territory, October 7, 1904.

Martha Brashears,

Eadie, Indian Territory.

Dear Madam:-

Receipt is hereby acknowledged of your letter of the 1st instant, requesting information relative to your enrollment.

You are informed that the application for enrollment of Martha H. Brashears as a citizen by intermarriage of the Choctaw Nation has not yet been passed upon by the Commission. As soon as a decision is reached in your case you will be duly notified of the action taken therein.

Respectfully,

Chairman.

7-D-438

Muskogee, Indian Territory, October 31, 1904.

C. M. Threadgill,
Attorney at Law.
Coalgate, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of October 28, 1904, asking the status of the case of Mrs. Martha Brashears as an intermarried citizen of the Choctaw Nation.

In reply to your letter you are informed that the Commission is now considering the application for enrollment of Martha H. Brashears of Coalgate, Indian Territory, as an intermarried citizen of the Choctaw Nation, and as soon as a decision is reached in this case you and the applicant will be notified of the action taken therein.

Respectfully,

REFER IN REPLY TO THE FOLLOWING:

7-5862

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Oklahoma, January 31, 1908.

Mrs. Martha H. Brashears,
Bache, Oklahoma.

Madam:

There is enclosed you herewith marriage license and certificate of marriage between yourself and your husband, Albert Brashears, a copy of which has been made and retained with the records of this office.

Respectfully,

(LGG 31-1)

Commissioner.

Chec 5863 John D. Tolliaferro

Trans from Chec #D-491 Nov 24, 1869

5863

In the matter of the application for the enrollment of John D. Taliaferro as a citizen by intermarriage of the Choctaw Nation.

7-D-481.

Choctaw, D. 481.

Department of the Interior,
Commission to the Five Civilized Tribes.
Ardmore, I. T., October 27, 1902.

In the matter of the application for enrollment as a citizen by intermarriage of the Choctaw Nation of John D.Taliaferro.

John D. Taliaferro being duly sworn testifies as follows:

Examination by the Commission.

Q What is your name? A John D. Taliaferro.
Q How old are you? A I will be 26 the 12th of next April.
Q What is your post office address? A Ledn.
Q Chickasaw Nation? A Yes sir.
Q How long have you resided in the Chickasaw Nation? A Born and raised here.
Q Never have lived anywhere else? A No sir.
Q You are a white man? A Yes sir.
Q An applicant for enrollment as an intermarried citizen of the Choctaw Nation? A Yes sir.
Q What is the name of your Choctaw wife? A Dibreal.
Q Full name? A Nora Dibrell.
Q She is a citizen by blood of the Choctaw Nation? A Yes sir.
Q Always been recognized as such by the tribal authorities? A Yes sir.
Q Her rights have never in any manner been questioned? A No sir, none whatever.
Q When did you marry her? A 10th of September three years ago.
Q Were you ever married prior to your marriage to her? A No sir.
Q Was she ever married prior to her marriage to you? A No sir.
Q Where were you married? A Right out here ten miles from here.
Q Were you married to her in accordance with a tribal license of the Chickasaw Nation? A Yes sir, Choctaw or Chickasaw, Scott Hewkins issued the license.
Q Who was he? A Choctaw or Chickasaw, I have forgot what he was, anyway he had authority to issue licenses.
Q How much did you pay for your license? A Fifty dollars.
Q You were never married to this woman before? A No sir.
Q Since your marriage to her in 1899 have you lived with her continuously? A Yes sir.
Q Been no separation, desertion or divorce? A No sir.
Q You and this woman are now living together as husband and wife and are actual bona fide residents of the Chickasaw Nation? A Yes sir.

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at Ardmore, I. T., on the 27th day of October, 1902, and that the within and foregoing is a full, true and correct transcript of his stenographic notes in the same.

W. H. Martin

Subscribed and sworn to before me this 31 day of October, 1902.

C. C. Blount

Notary Public.

LICENSE.

Nebo, I. T. Sept 2nd 1899

Office of County and Probate Judge of Tishomingo County, Chickasaw Nation.

I, Scott Hawkins, County and Probate Judge of Tishomingo County, Chickasaw Nation, in the name and by the authority of law in me vested do this day issue license to Mr. John Taliaferro, a citizen of the United States To Marry Miss Nora Sebbree a citizen of the Chawtaw Nation, In accordance with the requirements of law in relation to marriages.

Given Under My Hand and Seal of Office, this, the 2nd day of Sept, 1899.

Scott Hawkins Judge.

County and Probate Judge of Tishomingo County, C. N.

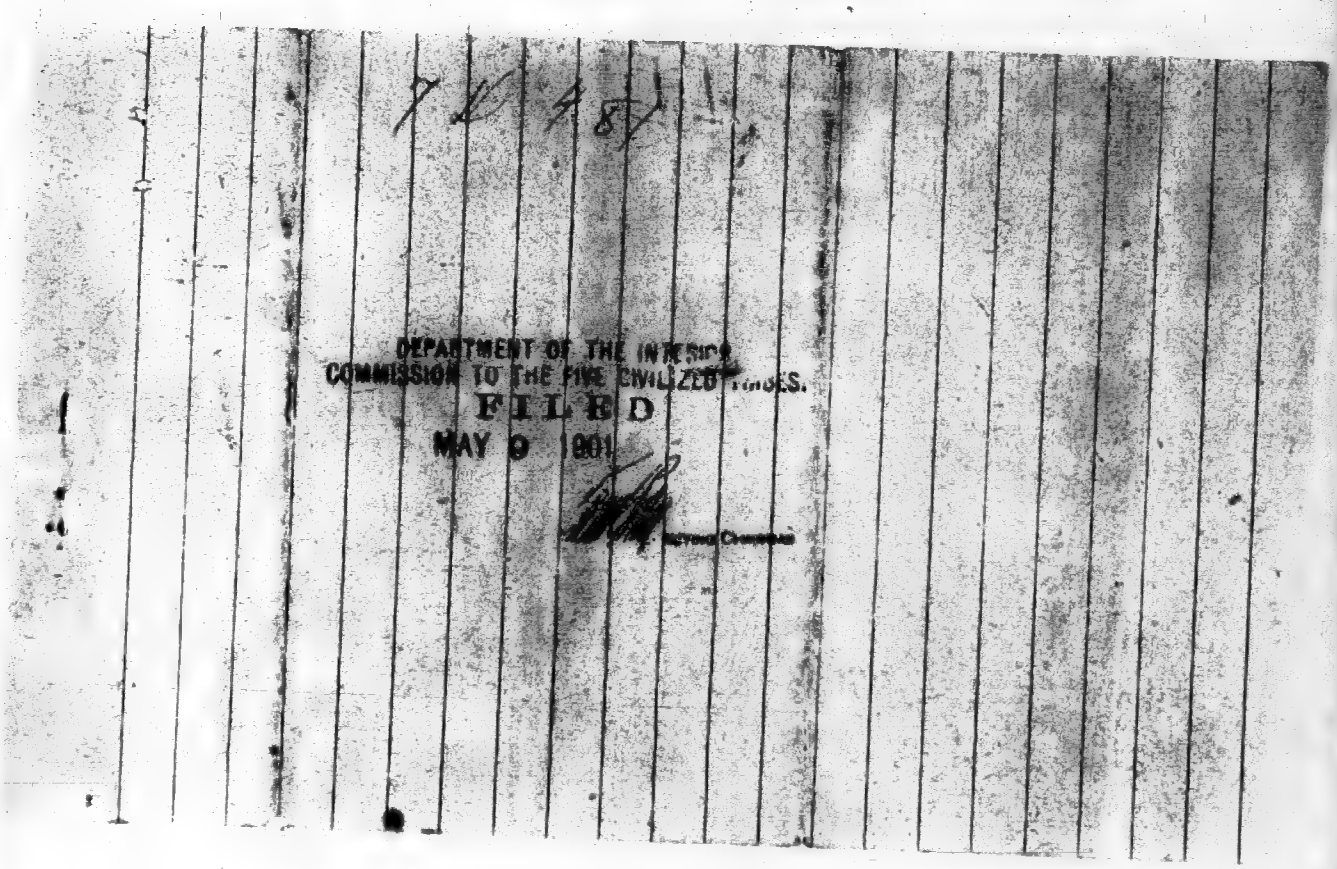
Recorded in Book 3. on Page 239. on this the 4th day of Oct- 1899.

Edward Turner Clerk of T. C. C. N.

I. Chickasaw Nation
Pickens County

I. G. Green
a Minister of the Gospel. Do
hereby certify that on the 10th
day of Sept A.D. 1899. did
duly and according to law
as commanded in the
foregoing license. solemnize
the rite and publish the
bonds of matrimony between
the parties therein named
Witness my hand this
10th day of Sept A.D. 1899
G. Green
a Minister of the Gospel
Springer I.T.

Recorded in
Book 3. on Page 239. on this
the 4th day of Oct 1899.
Edward Turner.
Clerk of P.C.C.N


DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAY 9 1901

7-D-481.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of John D. Taliaferro as a citizen by intermarriage of the Choctaw Nation.

--: D E C I S I O N :--

It appears from the record herein that on September 10, 1899, the applicant, John D. Taliaferro, was married in accordance with the laws, customs and usages of the Chickasaw Nation to Nora Taliaferro (nee Dibrell) a recognized and enrolled citizen by blood of the Choctaw Nation, whose name appears as number 15382 upon the lists prepared by this Commission under the act of Congress approved July 1, 1902 (32 Stat, 641), of persons entitled to enrollment as citizens by blood of the Choctaw Nation, and approved by the Secretary of the Interior, May 9, 1904; that at the time of said marriage both persons above mentioned were residents in good faith of the Chickasaw Nation, and lived together as husband and wife in said Nation from the date of said marriage up to and including September 25, 1902.

It is, therefore, the opinion of this Commission that John D. Taliaferro should be enrolled as a citizen by intermarriage of the Choctaw Nation, in accordance with the provisions of the acts of Congress approved June 28, 1898 (30 Stat., 495), and July 1, 1902 (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory.

NOV 9 - 1904

Choctaw D 481

COPY.

Muskogee, Indian Territory, November 9, 1904.

John D. Tallaferro,

Wapanucka, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered November 9, 1904, granting your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling you as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, your name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED)

Tams Bixby

Chairman.

Registered.

Incl. 7-D-481.

Choctaw D 621

COPY.

Muskogee, Indian Territory, November 9, 1904.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission rendered November 8, 1904, granting the application for the enrollment of John D. Taliaferro as a citizen by intermarriage of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, his name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED)

Tams Bixby

Chairman.

Registered.
Incl. T-B-481

See Choctaw D 1002 for registry receipt for this letter.

Muskogee, Ind. Ter., June 13, 1900.

John D. Taliaferro, Esq.,
Glenn, Indian Territory.

Dear sir:

Your letter of May 29th addressed to the United States Indian Inspector at Muskogee, Indian territory, has been referred to this Commission.

You ask in your letter for definite information as to whether you have been placed upon the Choctaw roll as an intermarried citizen of the Choctaw Nation. You are advised that your name appears upon Choctaw Card D-451, and that your rights to enrollment as an intermarried citizen of the Choctaw Nation have not yet been finally passed upon by this Commission. The Commission, however, contemplates passing upon all doubtful cases in the near future and when this is done you will be advised of the decision in your case.

Yours truly,

Acting Chairman.

Choctaw D-451.

Muskogee, Indian Territory, April 15, 1901.

Mr. John D. Taliaferro,

Leon, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of the 3rd inst., requesting to be informed as to your status on the records of the Commission.

You are informed that your name appears upon Choctaw Card D-481 and that your rights to enrollment as an intermarried citizen of the Choctaw Nation have not yet been finally passed upon by this Commission. The Commission, however, contemplates passing upon all doubtful cases in the near future. When this is done, you will be advised of the decision in your case.

The records of the Commission show that marriage license was issued by the County Judge of Tishomingo County September 2, 1899 and that you were married September 10, 1899. The notation upon your card is that the license was to be recorded and returned. You are informed that the Commission is not in possession of any evidence of your marriage. You state in your letter that you have the license and receipt, showing that everything is all right and you request to be advised whether the Commission thinks it best for you to go to Muskogee, or not.

If it is your desire to submit additional testimony in support of your application for enrollment as a citizen of the Choctaw Nation by intermarriage, the Commission will hear you at the

[redacted]

[redacted] Defense Emergency, Dundee, June 1, 1942, at 10 o'clock A.M., provided a written decision is received from the Re[redacted] is shown to enable proper notice of the hearing to be given [redacted] the Commissioner with the assistance of the Chief and Assistant Wardens.

[redacted]

Acting Chairman.

7-0-42.

Muskogee, Indian Territory, April 22, 1901.

Mr. John D. Taliaferro,
Leon, Indian Territory,

Dear Sir:-

Receipt is hereby acknowledged of your letter of the 18th inst., in which you desire to be advised how much you will have to pay the attorneys to investigate your case and the amount of proof which will be required.

You are informed that this Commission is not able to state the amount that an attorney would be liable to charge you for any investigation of your case that you might desire.

Relative to the status of your case you were fully advised by the Commission in its letter to you of the 18th inst., to which your attention is respectfully directed.

Yours truly,

Acting Chairman.

T-D-451

Muskogee, Indian Territory, May 10, 1901.

Mr. John D. Taliaferro,

Leon, Ind. Ter.

Dear Sir;-

Your letter of the 6th instant addressed to Mr. C. S. Dawson, relative to your application for enrollment as an intermarried citizen of the Choctaw Nation, has been referred to the Commission for reply.

Under date of April 19, 1901, you wrote a similar letter to the Commission which was answered by the Commission on May 9, 1901, and it is believed that the information contained in the letter written on the 9th instant, will fully answer the one from you to Mr. Dawson referred to above.

Yours truly,

7-D.481.

Acting Chairman.

Muskogee, Indian Territory, May 9, 1901.

Mr. John D. Saliaferro,
Leon, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of April 19, enclosing marriage license and certificate between yourself and Nora Dibbrell. Your letter also contains request that the Commission consider your application for enrollment at once and render a decision thereon immediately.

You are informed that it is the intention of the Commission to take all cases of doubtful claimants up as soon as practicable. Whenever a decision is rendered in your case, a copy of the same, stating the reason for any action which may be taken therein by the Commission, will be mailed to you at your present post office address.

Yours truly,

Acting Chairman.

7-D-461.

Muskogee, Indian Territory, July 5, 1901.

Mr. John D. Taliaferro,

Leon, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 26th ult., in which you state that you desire to appear before the Commission relative to your application for enrollment, and you desire to be informed when such appearance may be made.

You are informed that if it is your desire to offer further testimony in support of your application for enrollment as an intermarried citizen of the Choctaw Nation, the Commission will hear you at the office in Muskogee, Indian Territory at any time prior to the closing of the final rolls of the citizens of the Choctaw and Chickasaw Nations.

Yours truly,

Commissioner in charge.

7-D. 481.

Muskogee, Indian Territory, December 12, 1903.

John D. Tallaferro,

Leon, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 10th instant relative to your rights to enrollment as a citizen by intermarriage of the Choctaw Nation.

The Commission can render you no further information at this time than that contained in our letter of the 8th instant.

Yours truly,

Commissioner in Charge.

W-M-451

Muskogee, Indian Territory, December 6, 1901.

John D. Taliaferro,

Leon, Indian Territory.

Dear Sir:

Your letter without date, addressed to the Secretary of the Interior has been referred to this Commission for consideration and appropriate action.

In your letter you desire to be informed what action has been taken by the Commission in the matter of your application for enrollment as an intermarried citizen of the Choctaw Nation.

You are informed that the Commission has not taken up for consideration or rendered any decision in the matter of your application for enrollment as an intermarried citizen of the Choctaw Nation, but when a decision is rendered you will be duly notified of any action that may be taken by the Commission.

Yours truly,

Commissioner in Charge.

7-D-481.

Choctaw 3 651

Muskogee, Indian Territory, April 19, 1902.

John D. Taliaferro,
Leon, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 10th instant in which you desire to be advised if it is possible for you to obtain a hearing before the Commission at any time in the near future in the matter of the enrollment of yourself and family as citizens of the Choctaw Nation.

We fail to understand the purpose of your communication but if you are desirous of appearing before the Commission to make any statement or offer any additional testimony in support of your application for enrollment as a citizen by intermarriage of the Choctaw Nation, you will be heard upon your personal appearance.

It appears from our records that you were on September 5, 1899, duly married to one, Laura Dibrell, a recognized and enrolled citizen by blood of the Choctaw Nation under a license [illegible] issued by Reed Benning, County and Probate Judge of Tishomingo County, Chickasaw Nation.

It does not appear from our records that prior to the marriage and the time you made application for enrollment as a citizen of the Choctaw Nation, September 14, 1896, that any former

J D T 2

has been entered relative to your enrollment nor has any testimony been submitted by the representatives of the Choctaw Nation tending to disprove your right to enrollment.

The Commission at this time is preparing a roll of the citizens of the Choctaw Nation for submission to the Secretary of the Interior for his approval but as no date has yet been fixed or agreed upon for the final closing of such rolls it is impossible for the Commission at this time to issue any certificates or make any definite statements relative to the final enrollment of any person as a citizen of the Choctaw Nation.

Yours truly,

Acting Chairman.

Choctaw Dept.
Choctaw 408

Muskogee, Indian Territory, December 17,1903.

J. D. Taliafero,

Ardmore, Indian Territory;

Dear Sir:

Receipt is hereby acknowledged of your letter of December 14, asking if the enrollment of yourself, your wife, and your baby, has been approved by the Secretary of the Interior.

In reply to your letter you are advised that the Commission has not yet passed upon your application for enrollment as an intermarried citizen of the Choctaw Nation. As soon as a decision is reached in this case you will be notified of the action taken therein.

It appears from our records that Nora and Eliza Taliafero, wife and child of John D. Taliafero, have been listed for enrollment as citizens by blood of the Choctaw Nation, but their names have not yet been placed upon the schedules of citizens by blood of said nation prepared for forwarding to the Secretary of the Interior.

The matter of the appraisement of the land referred to in your letter has been made the subject of another communication.

Respectfully,

Chairman.

Choctaw D 481-903

Muskogee, Indian Territory, April 14, 1904.

J. D. Taliaferro,

Wapanucka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of April 5, asking that the enrollment of yourself, your wife and your child be approved in order that you may file on your lands as soon as possible, as some of the land claimed by you has already been filed on by other persons.

In reply to your letter you are informed that the names of Nora and Elisa Taliaferro, wife and child of J. D. Taliaferro, are being placed upon a schedule of citizens by blood of the Choctaw Nation which is now being prepared for forwarding to the Secretary of the Interior. Pending the approval of their enrollment by the Secretary of the Interior, however, they will not be permitted to make selection of allotments.

You are further advised that the Commission has not yet passed upon your application for enrollment as an intermarried citizen of the Choctaw Nation. As soon as a decision is reached in your application, you will be notified of the action taken therein.

If the land upon which you have improvements and which you

J D T 2

desire to select as allotments for yourself and the members of your family has been filed on by other persons, you will be permitted to make application therefor upon your personal appearance at the Land Office in which the same is located for the purpose of instituting contest proceedings.

Respectfully,

Commissioner in Charge.

7-D-481

Muskogee, Indian Territory, April 26, 1904.

J. D. Taliaferro,

Wapanucka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of April 18, 1904, asking if you will come to Muskogee, Indian Territory, if the Commission will take up your case and determine the same.

In reply to your letter you are informed that as soon as the enrollment of your wife, Nora Taliaferro, is approved by the Secretary of the Interior, the Commission will proceed with consideration and determination of your application for enrollment as an intermarried citizen of the Choctaw Nation.

It is not believed it will be necessary for you to appear before the Commission at this time in the matter of your enrollment.

Respectfully,

Chairman.

7-D-481

Muskogee, Indian Territory, September 29, 1904.

John D. Taliaferro,

Wapanucka, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of the 26th instant, requesting information relative to the status of your application for enrollment as an intermarried citizen of the Choctaw Nation.

You are advised that the Commission has not yet passed upon your application for enrollment as an intermarried citizen of the Choctaw Nation. As soon as a decision is reached in your case you will be duly notified of the action taken therein.

Respectfully,

Chairman.

T-D-491

Muskogee, Indian Territory, October 7, 1904.

J. H. Tallaferro,

Wapanucka, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of the 2nd instant, requesting to be advised of the reasons for delay in the approval of your application for enrollment as an intermarried citizen of the Choctaw Nation.

You are informed that the Commission is now considering the application of persons for enrollment as intermarried citizens of the Choctaw and Chickasaw Nations as rapidly as possible, and as soon as a decision is reached in your case, which it is believed will be in the near future, you will be duly notified of the action taken therein.

Respectfully,

Chairman.

7-H-181

Muskogee, Indian Territory, October 20, 1904.

John D. Taliaferro,

Wapanucka, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of the 12th instant, requesting information relative to the status of your application for enrollment as an intermarried citizen of the Choctaw Nation, stating that if necessary you will appear in person before the Commission on the day your case is taken up for consideration.

You are advised that the Commission has not yet passed upon your application for enrollment as an intermarried citizen of the Choctaw Nation. Your case, however, is now under consideration and when a decision is reached therein due notice of the same will be forwarded to your present post-office address.

It is not believed it will be necessary for you to again appear before the Commission in relative to this matter.

Respectfully,

Chairman.

MEMORANDA.

(Date) Sept 11 1899.

Name John D. Palisafenno

Choctaw? agent County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship U.S.

Intermarried citizen? Chief

Married under what law?

License filed this day

Wife's name

Choctaw? County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day

Names of children:

	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.

License issued by County Judge Jobannigs A., Chick. Nation Sept 1899. Married Sept 10-99

License & he records returned.

Re enrollment of wife Nora Visible, Choctaw card # 408 D-48

Choc 5884 Henry Hancock

Trans from choc no 538 non-copy

388

In the matter of the application for the enrollment of Henry Hancock as a citizen by intermarriage of the Choctaw Nation.

7-D-538.

Commission to the Five Civilized Tribes,

Atoka, I. T., Dec. 6th, 1899.

In the enrollment of Henry Hancock as an intermarried Choctaw; being sworn and examined by Com'r McKennon he states;

Q What is your name? A Henry Hancock.

Q How old are you? A Thirty-three.

Q You are a white man? A Yes sir.

Q You claim to have intermarried with a ~~xxxxxxxx~~ Choctaw Indian do you? A Yes sir.

Q When? A It has been about ten years ago.

Q Where? A Eight miles east of Kiowa, Atoka County, Choctaw Nation.

Q Did you procure a Choctaw license at that time? A Yessir

Q And were married under that? A Yes sir.

Q Who issued that license? A Mr. David Don J. Folsom.

Q What office did he hold then? A He was County Clerk.

Q Who married you? A Solomon Baker.

Q Was he a Choctaw? A Yes sir.

Q Is that wife living? A No sir. She has been dead nearly five years.

Q Did you live with her until she died? A Yes sir.

Q Since that time you have married a white woman? A Yessir.

Q A United States citizen? A Yes sir.

Examined by Attorney Ralls:

Q Solomon Baker was a Minister of the Gospel? A Yes sir.

Q Did he have the license before you at the time he married you? A Yes sir, he couldn't read the license, it was in English, and an Interpreter read it for him so that he could understand the license, and when he had that recorded he had it recorded in Choctaw, had the license recorded and brought them back to me.

Q You lost the original marriage license did you? A Yes sir.

Q After you were married? A Yes sir.

follows: Translated by A. Telle:

"December 11th, 1887.

I only write in the Choctaw language. Seeing that Henry Hancock has a license to marry, and believing that the law has been complied with, they presenting themselves, I have this the 11th day of December, 1887, united in marriage Henry Hancock and a woman by the name of Minerva, in Atoka County.
(signed) Reverend Solomon Baker."

Com'r McKennon:

In English as follows:
"Entered on record in my office 2nd day of June 1888.

Don J. Folsom,
County Clerk, Atoka County."

Certificate in English as follows:

"I do hereby certify that this is a true and correct copy of the original that is now in my office, recorded in book number one, page 305.

R. W. Harrison,
County and Probate Clerk, Atoka Co."

(Properly sealed.)

Examined by Attorney Ralls:

Q What was the correct name of the woman you married? A Minerva Shoults.

Q Was she a recognized member by blood of the Choctaw Nation?

A Yes sir.

(Card D-537)

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

M D Green

December 11th 1887

Chahta anumpa Banno
Nollisso Chili Ish ata ik
Hinla Nanlok Lucis
Holisso Na ishi ma pisa li
Hatuk Ash Nan ohl pisa
pulla Halak Mat Nalak
Hochifo Hinnii Nanlok
Micha ohoy ohik Chifo
Ik Minah Elappat Sotipk
ha Ala ma itih al alla shi
Lish ke Hinuk Nilak December
11th 1887 Atoka Kanali
Etih al allichi Rus Solimon Banno

Entered and Recorded in
my Office 2nd day
June 1888 Ed J. Folsom
County Clerk
Atoka Co

I do Hereby Certify That
This is a True and Correct
Copy of the Original That is
Now in my Office Recorded
in Book No 1 Page 305
R W Harrison
County and Probate Clk
Atoka Co

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. August 20, 1901.

538
Choctaw D-887.

In the matter of the application for enrollment of Henry Hancock, as a citizen by intermarriage of the Choctaw Nation.

Don J. Folsom being first duly sworn testified as follows:

Examination by J. G. Ralls, attorney for applicant.

Q State your name age and residence? A My name is Don J. Folsom, I am thirty-five years old and live in Atoka, Indian Territory.
Q What is your citizenship? A I am a Choctaw Indian by blood.
Q How long have you resided in Atoka? A Thirty-five years.
Q What official position did you hold under the Choctaw Authorities in December 1887, if any? A County Clerk.
Q What County? A Atoka, County.
Q Do you know Henry Hancock? A Yes sir.
Q State if you saw himabout December 1887 in connection with your official duties? A No sir; it was in November '87, the first few days in November.
Q State what official transaction you had with him at that time? A He came for a marriage license and I issued same to him.
Q Was this marriage license what is commonly called a Choctaw Marriage license? A Yes sir.
Q You issued it in accordance with the laws of the Choctaw Nation.
Q Yes, it was in accordance with the Choctaw laws. I issued it for my father. He was Couhty Judge at the time.
Q Was Henry Hancock a white man? A I suppose he was; he said he was.
Q Was the woman to whom he was to be married a white woman or a Choctaw? A The regular form or petition was signed by the requisite number of Choctaw signers stating that she was a Choctaw.
Q Than the license that you issued was to authorize persons to solemnize the marriage ceremony of a white man to a Choctaw citizens? A Yes sir.
Q Was this marriage license ever returned to you, that you know of? A I think it was I am not sure.
Q Do you know what became of it? A I do not. If it was returned in was recorded in the County record.
Q Do you know whether or not the County records for 1887 are still in existence? No sir I do not at the present time.
Q Who is County clerk at this time? A Robert Harrison.
Q You are not related to any of the parties in this action? A No sir, not at all.

J. G. Ralls being called as a witness, duly sworn testified as follows:--

My name is J. G. Ralls. My post-office is Atoka, Indian Territory. I am thirty eight years old. I am attorney for the applicant Henry Hancock and I have requested the County Clerk to search his records and furnish me a copy of the marriage license referred to in this case and he informs me that no such record appears and there is nothing further on record than the

marriage certificate in this case.

By the Commission,

Don F. Folsom, recalled.

Q. Mr. Hancock paid you the license fee required by the Choctaw law, one hundred dollars? A No sir, it was twenty-five dollars. We were operating under the twenty-five dollar law then. Q He paid you the fee that was required by the Choctaw law at the time this license was issued ? A Yes sir.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on August 20, 1901, and that the above and foregoing is a full true, and correct transcript of his stenographic notes had in said cause on said date of August 1901.

G Rosenwinkel

Subscribed and sworn to before me this 22 day of August 1901.

R W Limebaugh

Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, April 14, 1902.

In the matter of the application of Henry Hancock for enrollment as a citizen by intermarriage of the Choctaw Nation.	D-538.

Now on the 14th day of April, 1902, the applicant in the above entitled cause appears by his attorney, J. G. Ralls, and asks that the certificate of the County Clerk on file in Choctaw case Number D-415, be referred to as showing the loss of the County Records of Atoka County, Choctaw Nation.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on April 14, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of April, 1902.

Hal Belford

Subscribed and sworn to before me this 15 day of April, 1902.

Abram Tehellwood

Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I. T., November 19th, 1902.

Choctaw D-538 -------oOo-------
Intermarried

In the matter of the application of Henry Hancock for enrollment as an intermarried citizen of the Choctaw Nation.

Henry Hancock being first duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Henry Hancock.
Q How old are you? A Forty years old.
Q What is your post office address? A Globe.
Q Is that in the Choctaw Nation? A Yes sir.
Q How long have you been a resident of the Choctaw Nation?
A About sixteen years.
Q Have you lived here continuously for the past sixteen years?
A No sir there was about nine months that I was in Mexico, and outside of that I have been in the Choctaw and Chickasaw for the past sixteen years.
Q When was this nine months that you were in Mexico?
A That was after my first wife died over here east of Stringtown.
Q How long ago was that? A That's been ten years ago.
Q Do you claim intermarried rights in the Choctaw Nation?
A Yes sir.
Q What is the name of your Choctaw wife through whom you claim these rights? A Minerva Shultz.
Q Was she a recognized and enrolled citizen of the Choctaw Nation?
A Yes sir.
Q Her rights were never disputed? A No sir.
Q When were you married to Minerva Shultz? A About fourteen years ago, as near as I can tell, I don't remember the exact date.
Q Where was this marriage ceremony performed? A Eight miles east of Kiowa.
Q In the Choctaw Nation? A Yes sir.
Q Were both you and your wife residents of the Choctaw Nation at that time? A Yes sir.
Q Were you married in accordance with the Choctaw tribal laws?
A Yes sir.
Q Did you procure a license? A Yes sir.
Q From whom? A Mr. Don Folsom.
Q Was he an official of the Choctaw Nation? A Yes sir.
Q How much did you pay for the license? A Twenty-five dollars.
Q Who performed the marriage ceremony? A Solomon Baker.
Q Minister of the gospel? A Yes sir.
Q Is that the first time you were ever married? A Yes sir.

Q Was that the first time your wife Minerva Shults was ever married? A Yes sir.
Q How long did you live with her? A Why she lived as near as I can tell about four years.
Q At the end of that time did she die? A Yes sir.
Q You lived with her continuously up to the time of her death?
A Yes sir.
Q After her death did you remarry? A Yes sir.
Q What was the name of your second wife? A Eva Baxter.
Q Was she a white woman? A Yes sir.
Q When did you marry her? A About four years ago.
Q Where did you marry her? A I married her close to Center, in the Chickasaw.
Q Did you procure a license? A Yes sir, that is, United States license.
Q You married her under a United States license? A Yes sir.
Q Did she make any claim as an Indian? A Yes sir.
Q What did she claim to be? A She claimed to be Chickasaw.
Q By blood? A Yes sir.
Q Did she ever make application to the Commission for enrollment as a Chickasaw? A No sir.
Q Were any of her family enrolled? A I think so, yes sir, her father and mother, but I don't know for sure. One of her brothers wrote and said they was enrolled. Me and the old man never has spoke.
Q Your wife though never made application? A No sir, she never did.
Q Through which one of her parents did she claim this Indian blood? A Through her father.
Q Her mother was a white woman was she? A Yes sir.
Q What was her father's name? A Baxter; William Baxter; W. A. Baxter.
Q How much Indian blood did he claim to possess? A I declare I don't know; he just claimed to be an Indian by blood.
Q Is that the only woman to whom you have been married since the death of your first wife? A Yes sir.
Q Since your marriage to your first wife, Minerva Shults, have you been a bona fide resident of the Choctaw Nation continuously?
A Except what time I was in Mexico, about eight or nine months.
Q Immediately after her death? A Yes sir.

Albert G. McMillan being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 18th day of November, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert G. McMillan

Subscribed and sworn to before me this 13 day of December, 1902.

J. H. Callaston
Notary Public.

7-D-538.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Henry Hancock as a citizen by intermarriage of the Choctaw Nation.

--: D E C I S I O N :--

It appears from the record herein that on December 11, 1887, the applicant, Henry Hancock, was married in accordance with the laws, customs and usages of the Choctaw Nation to Minerva Hancock (nee Shults), a recognized and enrolled citizen by blood of the Choctaw Nation, who is identified upon the 1893 Choctaw Leased District Payment Roll, Atoka County, page 49, number 528; that at the time of said marriage both persons above mentioned were residents in good faith of the Choctaw Nation, and lived together as husband and wife until the death of the said Minerva Hancock about the year 1892; that thereafter the applicant was married to Eva Hancock, a non-citizen of the Choctaw Nation; and that the applicant had been a resident in good faith of the Choctaw-Chickasaw country from the date of his said marriage to Minerva Hancock up to and including September 25, 1902.

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of Thornton D. Pearce (I.T.D. 4060-1904), relative to the question of forfeiture, Henry Hancock should be enrolled as a citizen by intermarriage of the Choctaw Nation, in accordance with the provisions of the acts of Congress approved June 28, 1898 (30 Stat., 495), and July 1, 1902 (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

NOV 3 1904

7-D-538.

COPY.

Muskogee, Indian Territory, November 3, 1904.

Henry Hancock,

Pine, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered November 3, 1904, granting your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling you as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, your name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED)

Tams Bixby

Chairman.

Registered.

Inml. 7-D-538.

T-D-538

COPY.

Muskogee, Indian Territory, November 3, 1904.

T.B.Mills,

Attorney at Law,

Atoka, Indian Territory.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on November 3, 1904, rendered its decision granting the application for the enrollment of Henry Hancock as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said Henry Hancock as a citizen of the Choctaw Nation. If at the expiration of said time no protest has been filed, his name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED)

Tams Bixby

Chairman.

Registered.

T-B-538

COPY.

Muskogee, Indian Territory, November 5, 1904.

C. M. Threadgill,
Attorney at Law,
Coalgate, Indian Territory.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on November 3, 1904, rendered its decision granting the application for the enrollment of Henry Hancock as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said Henry Hancock as a citizen of the Choctaw Nation. If at the expiration of said time no protest has been filed, his name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED)

Tams Bixby

Chairman.

Registered.

7-D-838

COPY.

Muskogee, Indian Territory, November 5, 1904.

Mansfield, McMurray and Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission, rendered November 5, 1904, granting the application for the enrollment of Henry Hancock as a citizen by intermarriage of the Choctaw Nation.

You are hereby notified that you will be allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If at the expiration of said time no protest has been filed, his name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED)

Tams Bixby

Chairman.

Registered.
Incl. 7-D-838.
See 7-4510 for registry receipt for this letter.

W & (Copy)

MEMORANDA.

(Date) Dec 7 1899.

33 Name Henry Hancock

Choctaw? yes County ..... Year ..... No. .....

Chickasaw? ..... County ..... Year ..... Page .....

Citizen by blood? ..... Mother's citizenship W. S.

Intermarried citizen? yes

Married under what law? Choc

License filed this day, yes

Wife's name, ...

Choctaw? ..... County ..... Year ..... No. .....

Chickasaw? ..... County ..... Year ..... Page .....

Citizen by blood? ..... Mother's citizenship .....

Intermarried citizen? .....

Married under what law? .....

License filed this day .....

Names of children:

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

As to marriage see his testimony, married Choctaw, lived with her until she died, since married a white woman. Testimony of Don J. Folsom who issued license, to be supplied.

D-537

CHOCTAW NATION.

ATOKA COUNTY.

I, ROBERT W. HARRISON, do hereby certify that I am the duly qualified and acting County Clerk for Atoka County, Choctaw Nation, and as such Clerk I am the legal custodian of and am in actual possession of the records of the County Court and the records of marriages, and that there is no record book in my office, showing marriages prior to the 14th day of Nov. 1886.

I further certify that I am not related to John Fronterhouse, and have no interest in the prosecution of his claim.

In Witness Where of I have hereunto set my hand, and affixed my official seal, at my office in the town of Lehigh, in Atoka County, Choctaw Nation, on this the second day of April, 1902.

(Signed) R. W. Harrison,

(Seal). Clerk, Atoka County, Choctaw Nation.

INDIAN TERRITORY.

NORTHERN DISTRICT.

I, Clara Mitchell Wood, a Notary Public in and for the Northern Judicial District of Indian Territory do hereby certify the above and foregoing to be a true and correct copy of the certificate of R. W. Harrison, County Clerk, of Atoka County, Choctaw Nation, as the same appears as filed in the case of John Fronterhouse.

WITNESS MY HAND and seal of office this 24th day May, A. D. 1902.

Clara Mitchell Wood

Notary Public.

Muscogee, Indian Territory,

August 18th, 1900.

Henry Hancock,

Phillips, Indian Territory,

Dear Sir:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs McKennon, Mansfield, McMurray, & Cornish, has filed with this Commission a notice of protest to your enrollment as a citizen of the Choctaw Nation.

The Commission, commencing December 3rd, 1900, will hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Acting Chairman.

7-D-538.

Muskogee, Indian Territory, September 18, 1900.

Henry Hancock,

Phillips, Indian Territory.

Dear Sir:-

Since notifying you on August 18, 1900, of the protest filed by the Choctaw Nation to your enrollment as a citizen of the Choctaw Nation, the Commission has been furnished by the Nation with the grounds upon which objection is made to your enrollment. The protest against you is, that you have married out of the Nation.

The Commission is in possession of a sufficient statement of facts upon which a decision may be rendered and in your case it will not be necessary for you to appear at the appointment at Atoka beginning December 3rd, 1900.

The Commission will accept and consider any written arguments on questions of law submitted on behalf of the Choctaw Nation at any time prior to February 1st, 1901, and on your behalf at any time prior to March 1st, 1901.

As soon thereafter as practicable the Commission will consider and finally determine your right to enrollment and the decision of the Commission, stating fully its reasons for any action that may be taken, will be mailed to you.

Yours truly,

Acting Chairman.

7-D-838

Washington, [illegible] Feb'y. 1, 1901.

[illegible]

Atoka, Ind. Ter'y.

Dear Sirs:-

The Commission is in receipt of your letter of January 28th, 1901, requesting a copy of the evidence in the matter of the application for enrollment of Henry Hancock, Choctaw case No. D-836.

In reply to your request there is enclosed you herewith a copy of the evidence on file in this office in the matter of the application for enrollment of Henry Hancock. Kindly sign the enclosed receipt and return to this office.

Respectfully,

Acting Chairman.

J- J- 1-28

COMMISSIONERS:
HENRY L. DAWES,
TÂMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Received, Atoka, Ind. Ter. Feb'y. 2nd 1901, of the Commission to the Five Civilized Tribes, one copy of the evidence in Choctaw Case No. D- 538,

Choctaw Nation

vs

Henry Hancock.

J. G. Ralls
Attorney for defendant

Muskogee, Indian Territory, April 13, 1901.

Mr. C. H. Sawyer,

Atoka, Indian Territory,

Dear Sir:-

Mr. J. G. Walls, Attorney at Law, Atoka, Indian Territory, has made a request of the Commission for permission to offer the testimony of John J. Folsom, relative to the issuance of a certain marriage license to Mr. Henry Hancock, before the Commission at its office in Atoka, Indian Territory.

You are informed that the request has been granted and you are instructed to hear said testimony and transmit the same to this office for filing with the papers in the case.

Yours truly,

Acting Chairman.

7-D-838

Muskogee, Indian Territory, April 18, 1901.

Mr. J. C. Ralls,
Attorney at Law,
Atoka, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of March 21, 1901, referring to the case of Henry Hancock, 720-538. You state in your letter that the applicant, Henry Hancock, has never produced a certified copy of the marriage license and he states that the minister who married him had the same recorded. You advise the Commission that diligent search of the records of the Clerk of the Court has been made and nothing is found recorded therein, except a certificate of marriage, a copy of which has been filed with this Commission. You further state that Don J. Folsom, of Atoka, was County Clerk at that time and issued the marriage license.

In his testimony Mr. Hancock states that the marriage license was lost. You now desire to offer the testimony of Mr. Folsom relative to the issuance of said marriage license.

You are informed that such testimony may be offered at the office of the Commission in Atoka, I.T., before Mr. C. H. Sawyer, who has received instructions from the Commission authorizing him to hear the same. Due notice of the time and place where such testimony will be offered, should be served upon the attorneys of the

[redacted]

Choctaw and Chickasaw Nations.

Yours truly,

Acting Chairman.

T-D-518

Muskogee, Indian Territory, April 20, 1901.

Messrs. Mansfield, McMurray & Cornish,
Attorneys for Choctaw & Chickasaw Nations,
South McAlester, Indian Territory,

Gentlemen:-

Receipt is hereby acknowledged of your letter of the 17th inst., enclosing, for the information of the Commission, copy of a notice which had been served upon you to take the testimony of Don J. Folsom before the Commission at Atoka on April 25th.

It is stated in your letter that, some weeks ago, you submitted a request that testimony in various contested cases be taken before the Commission at Atoka, Indian Territory, but, upon consideration of the request, the Commission held that it would not at this time take further testimony in contested citizenship cases at Atoka, or at any other point, except the general offices of the Commission at Muskogee, Indian Territory, and you desire to be advised if this ruling has been modified, if so, that the Commission advise Mr. Ralls, the attorney you were advised.

For your information, there is enclosed you herewith copy of the letter received by the Commission from Mr. J. G. Ralls, relative to taking the testimony of Mr. Folsom at Atoka, Indian Territory. The request of Mr. Ralls was granted and Mr. C. H. Sawyer, in charge of the office of the Commission at Atoka, Indian Territory, was duly instructed to take the evidence of Mr. Folsom in

relation to the issuance of a marriage license to Mr. Henry Hancock, upon proper notice being served upon the Attorneys for the Choctaw and Chickasaw Nations.

As to the ruling of the Commission with reference to taking testimony in contested cases at any other point than at the office of the Commission at Muskogee, you are informed that it has not been modified except in this instance.

Yours truly,

Acting Chairman.

E.B.H.90
7-D-536

Muskogee, Indian Territory, July 31, 1901.

Mr. J. G. Walls,

Attorney at Law,

Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 29th instant, referring to the matter of taking the testimony of Dan J. Folsom at Atoka, Indian Territory, in support of the application of Henry Hancock for enrollment as an intermarried citizen of the Choctaw Nation. You state that if on August 20, 1901, the Commission could hear the evidence of Mr. Folsom, you can arrange to have him present at Atoka on that date.

You are informed that Mr. William O. Beall, Chief Clerk of the Choctaw-Chickasaw Enrollment Division, will probably be in Atoka, August 20th and 21st, at which time the evidence of Mr. Folsom can be taken.

Yours truly,

Y-D 526

Acting Chairman.

Choctaw D-538

Muskogee, Indian Territory, August 21, 1903.

J. C. Ralls,

Attorney at Law,

[illegible] Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of August 15, asking if a decision has been rendered in the case of Henry A. Hancock, an intermarried citizen of the Choctaw Nation, of Phillips, Indian Territory, and if so you wish to be informed what action was taken in this case.

In reply to your letter you are informed that it appears from our records that Henry Hancock of Phillips, Indian Territory, has been listed among the doubtful claimants to enrollment as an intermarried citizen of the Choctaw Nation and his final right to such enrollment has not yet been determined. When a decision is reached in this case the applicant will be notified of the action of the Commission.

Respectfully,

Commissioner in Charge.

7-D-558

Muskogee, Indian Territory, October 28, 1904.

C. M. Threadgill,
Attorney at Law,
Ochelata, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of October 26, 1904, in which you ask the status of Henry Hancock as an applicant for enrollment as a citizen of the Choctaw Nation.

In reply to your letter you are informed that the Commission is now considering the application for enrollment of Henry Hancock as a citizen of the Choctaw Nation, and as soon as a decision is reached, you and the applicant will be notified of the action taken in the matter.

Respectfully,

Chairman.

Doc 5665 Lizzie Rigby

Trans from Doc #D-573 Nov 26, 1947

5665

In the matter of the application for the enrollment of Lizzie Rogers as a citizen by intermarriage of the Choctaw Nation.

7-D-573.

Department of the Interior,
Commission to the Five Civilized Tribes,
Colbert, I.T., June 11, 1900.

****

In the matter of the application of Lizzie Wasson for the enrollment of herself as a Mississippi Choctaw, being sworn and examined by Acting Chairman Dixby, she testified as follows:

Q - What is your name? A - I am claiming citizenship by entering marriage with a Choctaw.
Q - You don't claim as a Mississippi Choctaw? A - No, sir, not as a Mississippi Choctaw.
Q - What is your name? A - Lizzie Wasson.
Q - What is your age? A - 45 the 25th of next month.
Q - What is your post office address? A - Paula Valley, I.T.
Q - Do you live at Paula Valley? A - Yes, sir.
Q - How long have you lived there? A - Off and on all my life; I have been there steady now pretty near two years.
Q - Have you been outside the territory during the past two years? A - No, sir.
Q - I understand you to apply for enrollment, then, as an intermarried citizen of the Choctaw Nation? A - Yes, sir.
Q - What is your father's name? A - Bill Jones.
Q - Is he living? A - No, sir.
Q - Was he a white man? A - Well he never claimed to be, his mother claimed to be a Mississippi Choctaw, but it was never established.
Q - What is your mother's name? A - Nancy Jones.
Q - What was her name before she married? A - Nancy Adair.
Q - Is she living? A - No, sir.
Q - Was she a white woman or an Indian? A - She claimed to be a Cherokee.
Q - What do you know about her claim, do you think she was a Cherokee? A - Yes, I suppose she was; she never used it.
Q - Then you are a part Choctaw and part Cherokee? A - Yes, sir, but it was like a good many things, there was never any interest taken in it.
Q - Have you ever been enrolled by the Choctaw Tribal authorities? A - No, sir.
Q - Never been recognized as an intermarried citizen by the Choctaw Tribal authorities, have you? A - Well, I never have been recognized as a Choctaw by marriage, but I never had any improvements on it.
Q - Did you ever apply to the Choctaw Tribal authorities for enrollment as an intermarried Choctaw?
A - I never did apply before, although I did once when old Judge Durant was living I was going to make application for it and he called for the documents and I didn't have it.
Q - Did you apply to the Dawes Commission in 1896?
A - No, sir.
Q - What is the name of your husband? A - The Choctaw man I married was Alfred Wilson.
Q - Under what law did you marry him? A - It was my understanding that I was marrying him under the Choctaw law; that was my understanding when I married him. I married him August 20, 1870.
Q - Where? A - At a place they called old Hunterville in the Choctaw Nation.
Q - Did you reside in the Choctaw Nation at the time of your marriage? A - Yes, sir.
Q - Who was present at the marriage? A - Well, there was Tandy Walker and [illegible]
Q - Anybody else? A - Emma Holland, who is living at South McAlester.

Q - Is your husband's name on the Tribal rolls? A - Yes, sir, I suppose so.
Q - Is it on the roll of 1896? A - I can't tell you that.
Q - What is his name? A - Alfred Victor; he is known by a good many.
(The records examined, and the name of Alfred Victor found on Field Card No. 61 of the Choctaw Nation.)
Q - You are not living with him now, are you? A - No, sir.
Q - Are you separated from him? A - Yes, sir.
Q - Did you get a divorce? A - No, sir.
Q - Did you leave him? A - No, sir, he left me.
Q - Did he ever apply for a divorce? A - No, sir.
Q - Do you know for what reason he left you? A - I have no reason to know what was the reason for him leaving me.
Q - You say you haven't your license and marriage certificate to him? A - No, sir.
Q - Does he claim to have a divorce from you? A - I don't know whether he does or not.
Q - Has he ever married again? A - I suppose so.
Q - Have you married since your separation from Alfred Victor?
A - Yes, sir.
Q - Who did you marry? A - I have been married twice since then; I married Columbus Crow and Frank Wasson.
Q - Are they white men or indians? A - They claim to be white men.
Q - Have you any children that you desire to enroll, that are under 21 years of age, by this husband Alfred Victor?
A - I haven't got any by Alfred Victor; I have got four.
Q - You are not making any application for them? A - I would like to get them enrolled if I can.
Q - We have to take any application that you want to make. Do you want to apply for them for citizenship? A - Yes, sir.
Q - What do you claim them to be? A - Choctaws.
Q - Choctaws by blood? A - I claim them to be Choctaws by blood.
Q - They are the children of a white man, are they? A - Yes, they are the children of a white man, but I am a Choctaw by blood if I can get it established.
Q - I understood you to apply as a Choctaw by intermarriage?
A - That is what my lawyer told me.
Q - I would like to know what you claim for these children, whether enrollment as Choctaws by blood or Choctaws by intermarriage or what kind of Choctaws they are.
Albert Bennie, attorney for applicant. You say you were married to Alfred Victor in the year 1900? A - Yes, sir.
Q - Who was the marriage ceremony performed by? A - By a Choctaw, I don't know his name.
Q - By a Choctaw official, was a white man or an indian? A - He was a Choctaw indian.
Q - Did you and Alfred Victor then live together as husband and wife? A - Yes, sir.
Q - For how long? A - From the 20th of August till sometime in March? A - Of what year? A - 1900.
Q - Until sometime in March of what year? A - 1901.
Q - Relate to the Commission the circumstances of your separation where were you living at the time? A - I was at Tandy Walker's house.
Q - Where was his house? A - It was five miles, to the best of my recollection, northeast of Old Hamlinville, Indian Territory.
Q - Relate the circumstances of your separation with Alfred Victor. A - My understanding was that I was to stay to Tandy Walker's until he went back on Collins Creek to his old place, and he would be back in four or five days, and he told me, I have got a

a house rented from Tandy Walker across the branch and when I come back we will move there, and so on Sunday I thought I would go home and see my father and mother, they lived at old Scalesville, and while I was there Billy Pusley brought me a letter from him.

Q - From whom? A - Alfred Victor, telling me to send him his clothes, I could do the best I could and he would do the same. So I sent him his clothes.

Q - Do you know any other circumstances relative to your separation from him other than you have related?

A - Well, I don't know in fact.

Q - I want to know what you know of your own knowledge. If you know anything else of your own knowledge, state it. A - I don't know of my own knowledge, only he wanted me to consent for him to have two wives and I didn't consent to that; I said if you love this other woman better than me, go ahead and live with her, and if you love me the best, let her go.

Q - In what year was it you married Crow? A - In 1874.

Q - How many children did you have by Crowe? A - Three.

Q - Are they living? A - Yes, sir.

Q - What became of Crowe? A - He died at Atoka.

Q - Did you marry again? A - Yes, sir.

Q - Who did you marry next? A - Frank Wasson.

Q - What year was that, about what year? How many children did you have by Wasson? A - Two.

Q - Are they living? A - Yes, sir; I married Wasson in 1880.

Q - What knowledge have you of your having Choctaw or Cherokee blood in your own veins, and where do you get the knowledge?

A - My parents and my grandparents always told me that.

Q - Is that the only way you know, from being teld that? A - Yes, and by Choctaws and Cherokees claiming kind with me.

Q - Were you ever able to make the proof? A - All the proof I could to anybody.

Q - I want to know were you ever able to prove it to the satisfaction of the Tribal authorities? A - I never did try to prove it before.

Q - Have you the proof now that you have Choctaw or Cherokee blood, do you know where you can get the proof? A - I have only the rolls of the Choctaw, my grandmother always said she was enrolled inminfancy in Mississippi.

Q - You don't know of your own knowledge? A - No, sir, only the rolls will show.

Q - You don't know whether you can make any such proof or not?

A - No, sir.

Mr. Melven Cornish: You claim as an intermarried citizen at this time? A - Yes, sir.

Q - When did you first apply to the Choctaw authorities to be placed upon the rolls? A - I never did apply

Q - Didn't you apply to the Choctaws to have them enroll you as a Choctaw by intermarriage? A - No, becau se I never thought I had to. Let me tell you, when old Judge Durant, not this Durant living now, he was coming to the Committee Meeting below Rock Cabin and he says give me your certificate of your marriage to this Choctaw and I will fix it all right, and I [redacted] mother says I burned it up, and that step[redacted]

Q - You were not placed on the Choct[redacted] were you, nothing being done? A - No, sir.

Q - Your information was that your mo[redacted]

A - Yes, sir.

Q - How do you get your Choctaw blood? A - From my father's mother.

Q - You are applying here to-day for your children as Choctaw citizens? A - Yes, sir.

Q - Then it is a fact that your children are Choctaws? A - Not without proof.

Q - You are going to apply here to-day as Choctaw citizens for your children? A - Yes, sir.

Q - That is your purpose to-day, to apply for them? A - Yes, sir, for me and my children.

Q - As citizens by blood of the Choctaw Nation? A - It is this way with me, I am ignorant, and I have been raised in the Territory and we have always claimed to belong here, but still at the same time I never was established and never knew it had to be done, and now the time is here, that if the old roll don't show my grandmother was a Choctaw nothing will say so.

Q - You are going to apply to-day for your children as Choctaws by blood? A - I want to put them in, if I am enrolled as a Choctaw.

Q - You are going to be enrolled as an intermarried Choctaw, and you file as an intermarried Choctaw or Choctaw by blood?

A - That is my instructions to apply as an intermarried?

Q - Which are you applying? A - I have got more proof by marriage than by blood.

Q - You are applying as a Choctaw by intermarriage? A - Yes, sir.

Q - How are you going to apply for your children? A - I thought this, that if I was a Choctaw here by intermarriage, they would put them a Choctaw.

Q - Then you are going to apply for your children as Choctaws by intermarriage? A - That is what I was looking at it.

Q - Is that what you are going to do to-day? A - I want to do what is right.

Q - Well, what are you going to do? A - I have laid my case before you, I only want what is right.

Q - Answer this question: are your children Choctaws, Cherokees or white persons?

A - Be these children of these that are in by marriage, are their children natives?

Q - Are your children Choctaws or Cherokees?

A - They are if they had their rights.

Q - Then your testimony is your children are Choctaws and Cherokees by blood? A - Yes.

Q - Then you are a Choctaw and Cherokee by blood? A - Yes, sir.

(Mr. Cornish) We make our contention that she is not entitled to enrollment as a Choctaw by intermarriage, because she claims to be a Choctaw and Cherokee by blood, and on account of the separation.)

A - Dixon Durant is a cousin of mine?

Q - Who is he? A - Old Judge Durant.

Q - Is he a Choctaw by blood? A - Yes, sir.

Q - A recognized Choctaw? A - Yes, sir.

Q - How is he related to you? The other judge, the judge before this, they were brothers or something, his wife was my cousin and this Dixon Durant's wife is my cousin, and then his daughter turned around and married another one of my cousins, and that doubled the kinship.

Q - When that fixed your status as a Choctaw? A - I was just stating I claimed [illegible] kin with them.

Q - You are related to the [illegible] you are Choctaws? A - That is the way I claim kin with them.

Mr. Dixby: You will be [illegible] evidence in the form of statements [illegible] to leave with the Commission. [illegible] papers as you may file will be forwarded [illegible] of the Interior for his examination when the [illegible] citizens are sent to him for final approval. This case will be [illegible] on a white card.

[redacted]

Respectfully Yours

[redacted]

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, April 14, 1902.

In the matter of the application of Lizzie Wasson for enrollment as a citizen by intermarriage of the Choctaw Nation.	D-573.

On the 5th day of March, 1902, the applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were also notified by registered mail that the application of Lizzie Wasson for enrollment as a citizen of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on April 14, 1902, for final consideration.

Now on this 14th day of April, 1902, this cause coming on to be heard, pursuant to said notice, the Choctaw Nation failed to appear, and the applicant, Lizzie Wasson, now Lizzie Roberts appearing in person and by her attorney, Jesse Hill, the following proceedings were had.

Lizzie Roberts, being first duly sworn, upon her oath testifies as follows:

Examination by the Commission.

Q What is your name? A Well, at present it's Lizzie Roberts.
Q Lizzie Roberts? A At present.
Q What was it before it was Lizzie Roberts? A Lizzie Wasson.
Q What is your post office address? A Wynnewood, I. T.
Q What is your age? A Well, the 24th of July I'll be forty-seven.
Q Are you the same person that applied as Lizzie Wasson to the Commission at Colbert, in June, 1900? A How is that?
Q Are you the same person that applied to the Commission at Colbert in June, 1900, as Lizzie Wasson? A Yes sir.

Examination by Attorney.

Q Are you acquainted with Alfred Victor? A Am I acquainted with him?
Q Yes? A Why, I was once acquainted with him, yes. I know him when I see him.
Q Were you once the wife of Alfred Victor? A Sir?
Q Were you once the wife of Alfred Victor? A At one time, yes sir.
Q Alfred Victor has testified in this cause that the cause of your and his separation was the fact that you attempted to burn down the house. Please state whether or not that is true? A If his house ever caught on fire I didn't know anything about it.
Q Did you ever try to burn his house? A Not ever. Never had the least thought of burning the man's house. One thing, he didn't have any house that I ever saw.
Q Just state why you and Alfred Victor separated and how it occurred. A Well, I can't hardly tell you what was the cause of the separation unless he loved another woman better than he did me.
Q Did you leave him or did he leave you? A Well, he left me. Now you want the details of it just as I know it.
Q Go on and tell why you separated? A Well now, you see me and Alfred Victor was married August 20, in 1870, well, then at a little country place they called Scalesville, which was nearby where South McAlester is now, and we was married by a fullblood Chootaw interpreted by Indians. Billy Pusley married us and the preachers name, I don't remember his name. That was in August. Then we moved across Gaines Creek, east of where McAlester is now. In about three or four weeks after we was married father and mother moved out there, and after they stayed there two or three weeks they went on over to Fort Smith and stayed till sometime in the Winter. Then when they come back they stayed a few days with us and come on back to this little town called Scalesville. You see there was forty miles twixt where we lived and Scalesville and my father rented a farm and planted his corn and then him and mother come down to see us. Well, they come over there, and then father and mother got at him to move back to the same neigh borhood where they lived so they could see me oftener. So he sanctioned it but he says ~~xxxxxxxx~~ I can't go all the way with you; I have got to build a house with a lady over here and when I get it done I will come. Well of course I went on with father and mother, and so in about three weeks, I reckon, or four, I reckon, Alfred come on to town and stayed all night; treated me just as a wife. Next morning I went to the gate with him and he got on his horse, and I never saw that man any more. Now that was in March, '71, and I never saw that man any more till eighteen and about eighty-one, I saw him at Stonewall the next time I ever saw him. Well, then on Sunday evening, about a week, the best I can recollect, or two, somewhere's along there, he sent this Billy Pusley, this same man that married us, with a letter to me, saying that I had went home to my father and mother and left him, and to send him his clothes and I could do the best I could and he would do the same. Of course I couldn't swear that he went right back to this woman, but I was told by his uncle that he went right back to this yo man and they moved down on Blue. Well, the man, I never did write to him, never did speak to him; I never had no occasion to. We was strangers from that on.
Q How long did you and Victor live together as man and wife? A We lived from August till March.

Q August one year till March the next year? A Yes sir, August in the Summer till March in the Spring.
Q Do you know what law you were married under? A Well, I was told by him and by several around, my father and mother, that we was married under the Choctaw law, but of course that is just as I was told; I don't know. I had the certificate and kept the certificate till a few years ago and got burnt out myself and it got burnt up. At that time I couldn't read nor write and as far as for me going to my father at Skulleyville, that's all a mistake, and for me trying to burn his house, that's all a mistake, and for him providing for me confortable that's all a mistake. Why the man knowed that he was mistaken when he said that, at least he ought to have knowed it. If he ever bought anything to support me on I never knowed it, and in fact I didn't have but very little, and the first house he put me in was a little log cabin with no door to it, and cracks, and he never furnished me a bed to sleep on or a chair to set on or a table to eat on. Do you call that comfortable?

Re-examination by Commission.

Q You claim here as an intermarried citizen do you? A Sir?
Q You claim here as an intermarried citizen, do you? A Yes sir.
Q Who was present when you were married to Alfred Victor? A Well, a good many of them's dead at present. I think Hattie Walker is living, and there's a boy that's living and his wife, Bill Walker and Emma Harley, I think she's living; but there' was I reckon at the wedding there was a hundred or two there, different tribes. But you see that's all the ones that I could recollect that I think's living now.

This case will be considered by the Commission upon the evidence and record as now made up.

---:---

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on April 14, 1902, and that the above and foregoing is a full true and correct transcript of his stenographic notes in said cause on the said day of April, 1902.

Hal Belford

Subscribed and sworn to before me this 17 day of April, 1902.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, Indian Territory,
January 29, 1904.

Choctaw D-573. --------:--------
Choctaw R-570.

In the matter of the application for the enrollment of Lizzie Wasson as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of her children, Lee Carter (nee Crow), Jimmie Crow, Frankie Wasson and Otis Wasson, as citizens of the Choctaw Nation.

Said Lizzie Wasson, being first duly sworn, testified as follows:

APPEARANCES: Albert Rennie, attorney at law, on behalf of applicants.

EXAMINATION BY THE COMMISSION.

Q What is your name? A Lizzie Rogers.
Q What is your post-office address? A At present, Hart, Indian Territory.
Q Is that in the Chickasaw Nation or the Choctaw? A Chickasaw Nation.
Q Are you living in the Chickasaw Nation now? A Yes, sir.
Q How long have you lived in the Chickasaw Nation? A Been living there off and on all my life. Been living there steady eight years.
Q What is your father's name? A William Jones.
Q Is he a white man? A No, sir.
Q What is he? A Choctaw. But this here application was filed for intermarriage; that's the way. I never filed an application through blood.
Q What is your mother's name? A Her name is Nancy Jones.
Q Father and mother both dead? A Yes, sir.
Q Does your father claim Choctaw blood? A Yes, sir.
Q What does your mother claim? A She claims Cherokee, but then, we never claimed to be nothing but Choctaw.
Q Was your father ever recognized as a Choctaw citizen? A Well, you see he was raised -- mostly raised -- in the territory and they was all recognized as Choctaws. His mother was a full blood Choctaw.
Q Do you claim as a Choctaw by blood or by marriage? A Well, I filed an application for citizenship by marriage. That is the way application was filed. I never did file any application by blood because I always put it in that way.
Q Do you now claim your rights as an intermarried citizen? A Yes, by marriage.
Q Your father and mother are both dead? A Yes, sir.
Q Through whom do you claim your rights as a Choctaw by intermarriage?

A Alfred Victor.
Q Is he a recognized and enrolled citizen by blood of the Choctaw Nation? A Yes, sir, I understand he is.
Q When were you married to him? A Married to him on August 20, 1870.
Q Where were you married to him? A Out here in the Choctaw Nation at a little town called them days -- called Old Scalesville.
Q How long had you been living in the Choctaw Nation at the time you were married to Alfred Victor? A Why, Mr., I been raised in the Choctaw Nation and the Chickasaw Nation.
Q Were you living in the Choctaw Nation when you married Alfred Victor? A Yes, sir.
Q Was he living there when you married him? A Yes, sir.
Q Who married you to Alfred Victor? A He was a full blood Choctaw man that married us.
Q Was he a minister of the gospel? A Yes, sir.
Q Have you got the marriage license and certificate? A No, sir.
Q What became of it? A My mother burned it up, thinking it was no account. She was uneducated.
Q How long did you live with Alfred Victor? A About six months, I suppose.
Q What took place then? A He left me and took another woman.
Q Did you procure a divorce from him? A No, sir. He married again.
Q Did he procure a divorce from you? A Not that I know of. I never was notified of any divorce. I staid single four years; -- then I married again.
Q Were you married before you were married to Alfred Victor? A No, sir.
Q Was Alfred Victor married before he was married to you? A I don't know whether he was ot not.
Q Did you remarry after you separated from Alfred Victor? A Yes, sir. I staid single about four years and then I married again.
Q Whom did you marry? A Married a man by the name of Wasson.
Q What is his first name? A Frank.
Q Was he a white man? A Yes, sir.
Q Were you lawfully married to him? A It was my understanding, I was.
Q Were you married by a preacher? A Yes, sir.
Q What year did you marry Frank Wasson? A I don't know what year it was, now.
Q After you separated from Alfred Victor, whom did you marry? A I married a man by the name of Crow.
Q What was he? A He claimed to be a white man; but he claimed to be a white man, but he was an Indian -- raised by a Chickasaw.
Q When did you marry him? A In 1874.
Q How long did you live with him? A Ten years.
Q Did he die? A Yes, sir, he died.
Q Then whom did you marry? A Then I married Frank Wasson.
Q When did you marry him, what year? A I disremember what year I married him in. I don't remember now what year it was in. I lived with him twelve years and he died.
Q Married him in 1880, didn't you? A I guess so.
Q How long did you live with him? A I lived with him twelve years.
Q Was he a white man? A Yes, sir.
Q You lived with him twelve years? A Yes, sir.
Q Did he die? A Yes, sir.
Q Did you marry after that? A Yes, sir.
Q To whom? A J. P. Rogers.

Q He is a white man, too, isn't he? A Yes, sir. He is adopted -- claims to be adopted, but he is a white man. Says he is adopted in the Choctaw tribe, but I don't know how true that is.
Q Were you ever married to a man by the name of Coleman? A No, sir. Mr. Crow went by the name of Coleman, but that isn't his name. Coleman and Crow is all one name. Coleman is the folks' name that raised him. He was raised an orphan.
Q You made application in 1900, didn't you, as an intermarried citizen? A Yes, sir.
Q Did you apply for any children? A I think there was four when I applied, three boys and a girl.
Q Did you have any children by Alfred Victor? A No, sir.
Q Have you ever made application for any of your children? A Applications for four of them.
Q What are their names? A Lee Crow, Jimmie Crow, Frankie Wasson and Otis Wasson.
Q How old is Lee Crow? A Born in 1880.
Q Is Lee a girl or a boy? A Girl. Her present name is Carter.
Q What is her name now? A Carter.
Q When was she married to Carter? A Married in 1901, if I am not mistaken.
Q What is Carter's first name? A Frank.
Q Is he a white man? A Yes, sir.
Q What is her post-office address? A Norman, Oklahoma.
Q How old is Jimmie? A He is twenty-one last November.
Q Columbus Crow is the father of these two children? A Yes, sir.
Q He is a white man? A Yes, sir.
Q He claimed no rights as an Indian by blood, at all? A No, sir, not that I know of.
Q Frankie Wasson is your son by whom? A By Frank Wasson.
Q And also Otis? A Yes, sir.
Q Have you ever drawn any of the annuities in the Choctaw Nation? A No, sir.
Q Either for yourself or for your children? A No, sir.
Q You have never been placed upon the rolls? A No, sir.
Q Nor the children either? A No, sir.
Q Where does Jimmie Crow live? A At Lehigh, Choctaw Nation.
Q Where do Frankie Wasson and Otis Wasson live? A They live with me at Hart, Indian Territory.
Q Since your marriage to Alfred Victor, have you lived in the Choctaw and Chickasaw country? A Yes, sir.
Q You have not made your home anywhere else during that time? A No, sir, never made my home anywhere else only in the Choctaw and Chickasaw Nations.
Q Now, when you were living with Alfred Victor, did you have a home of your own? A Well, how do you want me to tell you? I could not say that I had a home. I had a stopping place but it was not a home.
Q Didn't Alfred Victor have a house? A He had a little log cabin.
Q And you lived in that log cabin with him? A For about six or seven months. We was married in August and he left me the next March.
Q Married about the year 1868 to Alfred Victor? A I married Alfred Victor in 1870, because I was married to Crow in 1870 and I know I staid single four years and I know I married Victor in 1870.
Q You appeared before the Commission at Colbert? A I went before them at Colbert the first time.
Q That was about four years ago? A Yes, sir. About four years ago next June. Then I went before them at Pauls Valley and been here

once before.
Q You base your claim to rights as an intermarried Choctaw upon your marriage to Alfred Victor, a Choctaw by blood, from whom you separated about six or eight months after you were married? A Yes, sir.
Q And that since your marriage to Alfred Victor, you have been married three times to three white people, claiming no rights as citizens by blood of the Choctaw Nation? A Yes, sir. Well, according to the old treaty when you married under the Choctaw laws, when you were once a Choctaw you were always a Choctaw -- was my understanding and I was married by the Choctaw laws. That is what made me believe I had a right.
Q Is there anything else you wish to say, Mrs. Wasson? A I have said all I got to say.
Q Were your children, LeeCarter, Jimmie Crow, Frankie Wasson and Otis Wasson, living on June 28, 1898? A Yes, sir.
Q Were they living at that time in Indian Territory in the Choctaw Nation? A Yes, sir, in Indian Territory in the Chickasaw Nation.
Q Were they living on September 25, 1902? A Yes, sir.

Wirt Franklin, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported all proceedings had in the above entitled cause at Muskogee, Indian Territory, on January 29, 1904, and that the above and foregoing is a full, true and correct transcript of his stenographic notes, taken in said cause.

Wirt Franklin

Subscribed and sworn to before me this 15th day of February, 1904.

Charles H. Sawyer
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES?
Atoka, Indian Territory, December 8, 1900.

The Chiactaw Nation :
:
vs : D-573.
:
Lizzie Wasson :

By Mr. Cornish: Our contention is non-compliance with t he intermarriage law, and separation.

Alfred Victor, being first duly sworn by Acting Chairman Riley. testified as follws:

By Mr. Cornish:

Q You are Alfred Victor? A Yes sir.
Q How old are you? A 57 years.
Q Wheredo you live? A In the Chickasaw Nation.
Q What is yourpostoffice? A Franks.
Q Are you a member of the Chickasaw Nation?
A No, I am a Choctaw by blood.
Q Were you at one time married to a womanby the name of Lizzie Jones?
A Yes sir.
Q When did you marry her? A My recollection is '68, along in July or August.
Q Where were you then living? A I was living then with Tandy Walker
Q In the Choctaw Nation? A Yes sir.
Q Howlong did you live with thiswomm? A From the time I was married She left me I think ~~[illegible]~~ in December.
Q Then you think you lived with her from the time you married her until December? A Yes sir.
Q How didyou come to separate from her? A After we married we lives inGains county, and then Ibuilt me a little place,built me a little house, and for some reason, I don't know what, she tried to fire the house, and it so happened, either thatsame evening or the next morning or evening, her father and mother come from Arkansas down there and staidall night, and t henthey pulled out up to Shulleyville, and shewent with them.
Q Did she leave your place and homand go with them? A Yes.
Q For what reason? A There was no reason except as I have stated.
Q Did you provide a home for her? A Yes sir.
Q Were you providing her with the necessaries and comforts of life?
A Yes sir.
Q Did you mistreat her in any way? A No sir.
Q Do you know of any reason why she should have left you? A No sir.
Q Did you live with her after that? A No, I never saw her b ut once after that; I never saw her totalk to her at all until '79.
Q What conversation ifany, did you have with her in'79? A None.
Q Wheredid you see her? A Stonewall.
Q Were you willing at thattime to continue to livew ith her and provide for her? A At the time she left I was.
Q At that time you would have been willing to continue the relations of man and wife and provide for her? A Yes sir.
Q Did she make any claim to citizenshipat thattime? A Not that I know of.
Q Did she claim any blood at thattime? A She claimed to be a Cherokee.
Q Do you know whether or not she took any steps to establish her claim? A I don't know.
Q Do you know whether or not she married a whiteman? A Yes, at the time I was at Stonewall, she was married to a man byth name of Coleman.

2-Wasson.

Q Do you know whether she was married to him? A No she goes by the name of Wasson now. Lizzie Wasson.

---o---

Frances R. Brown, having been first duly sworn, upon her oath states thatas stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on the 8th day of Decembe, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notesof said proceedings on said date.

Frances R Brown

Subscribed and sworn tobefore me this 11th day of December, 1900.

Acting Chairman.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Choctaw D-875.

Muskogee, Indian Territory, March 5, 1902.

Lizzie Wasson,

Pauls Valley, Indian Territory.

You are hereby notified that the application of yourself for enrollment as a citizen of the Choctaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 14th day of April, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

Register.

T. B. Needles.

Commissioner in Charge.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAR 31 1904

Canadian Choctaw Nation

March 24th 1904

Mrs E A Smith

Did you know Alford Victor An Lizzie Jones when they were young Ans I did

Were you present when they were married Ans I was

Where were they when married Ans At old Scullville in the Choctaw Nation

In what year was they married Ans In the year Nineteen hundred & Seventy

Did She leave Victor, or did he leave her Ans, She left her

Do you know what he left her for ---- Ans I do not

By whom was they married Ans By a full Blood Indian Minister the Indians law

Did he have a wife when he married her Ans He did not +

Are you a citizen and of what Tribe

Ans I am A Choctaw citizen
By Blood.

Elija A Smith

Indian Territory
Western District } SS

Be it remembered that on
this 24th day of march 1904 personally
appeared Mrs Mary E. Smith who
being duly sworn by me a Notary
Public in and for the aforesaid
District, stated that the
foregoing was true and
correct to the best of her
knowledge and belief.

Elijah A. Robbins
Notary Public

Mch

Mrs Eliza Choate

ques what is your age 64 years old

" Did you know Alfred victor and Lizza Jones when they wer young

ans I did and before their former marriage

were you present when they were married

ans I was

ques where was they married

ans at old Scaleville in the Choctaw nation

ques In what year was they married

ans In the year of 1870 Eighteen hundred seventy

ques Did she leave alford victor or did he leave her

ans he left her as I under stand

ques do you know what he left her for

ans I do not

ques by whoom was they married

ans By a full Blood Choctaw Indian by the name of Konpalabee a minister

" and according to the Tribal law of the Choctaw nation

ques Did he have a wife before he married Lizzie Jones

ans he did not

ques Ar you a citizen and of what tribe

ans I am a choctaw by blood

ques Do you now recognize the now Lizzie Rogers. who made applications for citizen ship In the name of Lizzie. Wasson as the Lizzie Jones who married Alford victor in the year of 1870. Eighteen and seventy

ans I do

Elizia Choate

Indian Territory } S.S.
western District }

Be it remembered that on this 26 day of march 1904. Personaly appeared before me Eliza Choate ~~Choate~~ whoom after being duly sworn by me a Notary Public in and for the western District. and stated that the foregoing was true. and correct to the best of her knowledge and belief

T. J. Rice
Notary Public

[redacted] OF THE INTERIOR,
THE FIVE CIVILIZED TRIBES.

FILED

MAR 3 1 1904

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAR 31 1904

Indianola Choctaw Nation
Indian Territory March 26 1904

Mr Geo choate

What is your age 64 years old
did you know alford victor and
lizzie Jones. when they were young
answer I did and previous to their marriage
were you present when they were
married. answer I was.
where was they when they was married
ans At old Scaleville in the choctaw nation

ques In what year was they married
ans in the year of 1870, Eighteen hundred
and seventy
ques Did she leave alford victor or did
he leave her
ans he left her. as i so under stand
ques do you know what he left her for
ans I do not
ques by whoom was they married
Ans By a full blood choctaw Indian
by the name of. Kampalaber a minister
under the Tribal law of said choctaw
nation
ques Did he have a wife before he married
Lizzie Jones
ans He did not.

Ques Ar you a citizen and of what tribe.
Ans I am a Choctaw by Blood
Ques Do you Know Recognize the now
Lizza Rogers who made application
for citizenship in the name of
Lizza wasson as the Lizzie James
who married Alford Victor. In the year
of 18.70. Eighteen and seventy
Ques I do G. W. Choate

Indian Territory } S.S.
Western District }

Be it remembered that on this 26 day
of March 1904. Personaly appeared
before me. G. W Choate. who being
Duly Sworn by me. As Notary public
In and for the western district
and stated that foregoing was true
and correct. to the best of his
Knowledge and belief

T J Rice
Notary Public

Choctaw D-573.

In the matter of the enrollment of Lizzie Wasson as an intermarried citizen of the Choctaw Nation.

PROTEST of
Choctaw and Chickasaw Attorneys

Protest overruled by Department

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
FEB 6 1901

CHAIRMAN

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Inthe matter of the application for the enrollment of Lizzie Wasson as a citizen by intermarriage of the Choctaw Nation, Choctaw Field No. D-573.

- - - - - - -

We hereby request, on behalf of the Choctaw and Chickasaw Nations, that final decision in this case be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of B. F. Thompson vs. Choctaw and Chickasaw Nations, No. 38 on the South McAlester Docket, in which the said court will decide the question of the validity of that portion of the intermarriage laws of the Choctaw Nation providing for the forfeiture of citizenship of white persons who separate from their Indian spouses, which question is involved in the case to which this communication refers.

This request is filed under authority granted by the Honorable Secretary of the Interior in his communication to the Commissionto the Five Civilized Tribes upon the subject, dated November 18, 1903.

Attorneys for the Choctaw & Chickasaw Nations.

January 23, 1904.

7-D-573.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Lizzie Rogers as a citizen by intermarriage of the Choctaw Nation.

-: D E C I S I O N :-

It appears from the record herein that the applicant, Lizzie Rogers, appeared before the Commission and made personal application for the enrollment of herself as a citizen by intermarriage, and for the enrollment of her children, Lee Carter (nee Crow), Jimmie Crow, Frankie Wasson and Otis Wasson, as citizens, of the Choctaw Nation. The rights of said children being differently classified are not passed upon in this decision.

It further appears from the record herein that on August 20, 1870, the applicant, Lizzie Rogers, was lawfully married to Alfred Victor, a recognized and enrolled citizen by blood of the Choctaw Nation, whose name appears as number 15034 upon the lists prepared by this Commission, under the act of Congress approved July 1, 1902 (32 Stat., 641), of persons entitled to enrollment as citizens by blood of the Choctaw Nation and approved by the Secretary of the Interior on February 16, 1904; that at the time of said marriage both persons above mentioned were residents in good faith of the Choctaw Nation; that they lived together continuously as husband and wife for six or seven months after said marriage, when they separated, and were subsequently divorced; that thereafter in the year 1874 the applicant was married to Columbus Crow, a white man having no rights of Choctaw citizenship by blood; that after the death of the said Columbus Crow the applicant was married to Frank Wasson, a white man having no rights of Choctaw citizenship by blood, with whom she lived for about twelve years when the said Frank Wasson died; that subsequently the appli-

cant was married to J. F. Rogers, a white man having no rights of Choctaw citizenship by blood, and that the applicant had been a resident in good faith of the Choctaw-Chickasaw country from the date of her said marriage to said Alfred Victor in 1870 up to and including September 25, 1902.

It is, therefore, the opinion of this Commission that Lizzie Rogers should be enrolled as a citizen by intermarriage of the Choctaw Nation, in accordance with the provisions of the acts of Congress approved June 28, 1898 (30 Stat., 495), and July 1, 1902 (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
NOV 9 - 1904

Choctaw D 873

COPY.

Muskogee, Indian Territory, November 9, 1904.

Lizzie Rogers,

Wynnewood, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered November 9, 1904, granting your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling you as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, your name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED James Bixby

Chairman.

Registered.

Incl. T-D-873.

Choctaw D 573

COPY.

Muskogee, Indian Territory, November 9, 1904.

Albert Rennie,

Attorney at Law,

Pauls Valley, Indian Territory.

Dear Sir:

You are hereby advised that the Commission to the Five Civilized Tribes, on November 9, 1904, rendered its decision granting the application for the enrollment of Lizzie Rogers as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, her name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

Tams Bixby

Chairman.

Registered.

7-D-573

COPY.

Muskogee, Indian Territory, November , 1904.

Mansfield, McMurray and Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission, rendered November 9, 1904, granting the application for the enrollment of Lizzie Rogers as a citizen by intermarriage of the Choctaw Nation.

You are hereby notified that you will be allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If at the expiration of said time no protest has been filed, her name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED)

Tams Bixby

Chairman.

Registered.

Incl. 7-D-573.

See 7-D-1002 for registry receipt for this letter.

MEMORANDA.

(Date) June 11, 1900.

Name Lizzie Wasson (45) Paul Valley, I.T.

Choctaw? ..... County ..... Year ..... No. .....

Chickasaw? ..... County ..... Year ..... Page .....

Citizen by blood? No. Mother's citizenship (Cherokee)

Intermarried citizen? Yes.

Married under what law? .....

License filed this day, ...

Wife's name, ...

Choctaw? ..... County ..... Year ..... No. .....

Chickasaw? ..... County ..... Year ..... Page .....

Citizen by blood? ..... Mother's citizenship .....

Intermarried citizen? .....

Married under what law? .....

License filed this day .....

Names of children:

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

Bill Jones. (father)
Nancy Jones. (mother)

(Husband's name) Alfred Victor.

Muscogee, Indian Territory,
August 18th, 1900.

Lizzie Wasson,

Paula Valley, Indian Territory,

Dear Madam:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs McKennon, Mansfield, McMurray, & Cornish, has filed with this Commission a notice of protest to your enrollment as a citizen of the Choctaw Nation.

The Commission, commencing December 3rd, 1900, will hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Acting Chairman.

T-D-573.

Choctaw D 573

Muskogee, Indian Territory, March 25, 1902.

Albert Rennie,

Paula Valley, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 20th instant, in which you state that you are informed that Albert Victor gave testimony before the Commission at Atoka, Indian Territory in the matter of the application of Lizzie Wasson for enrollment as an intermarried citizen of the Choctaw Nation; that you understand Mrs. Wasson was not present and had no notice whatever that testimony would be taken in her case, and you desire a copy of the testimony of Albert Victor, taken before the Commission at Atoka.

Replying to your letter you are informed that on August 18, 1900, the Commission notified Lizzie Wasson by registered letter, that the Choctaw Nation, through its attorneys, Messrs Mansfield, McMurray & Dornish, had filed with the Commission a notice of protest to her enrollment as a citizen of the Choctaw Nation, and that the Commission, commencing December 3, 1900, would hold a session at Atoka, Indian Territory, at which time both she and the Choctaw Nation would be permitted to offer additional testimony in her case; and there is on file with the records of

this office return registry receipt for such letter, signed by Lizzie Wasson and J. L. Rogers.

On December 5, 1900, at Atoka, Indian Territory, the matter of the application of Lizzie Wasson for enrollment as a citizen of the Choctaw Nation was called for hearing, and the attorneys for the Choctaw Nation introduced Albert Victor as a witness, and a copy of the testimony of Albert Victor as taken at that time, is herewith enclosed you.

On March 5, 1902, Lizzie Wasson was further notified that on the 14th day of April, 1902, the matter of her application for enrollment as a citizen of the Choctaw Nation would be taken up for final consideration at the office of the Commission at Muskogee, Indian Territory, at which time she would be given an opportunity to introduce any additional testimony affecting her application which she might think proper or necessary. In said letter she was further notified that the representatives of the Choctaw Nation would also at the same time, be afforded an opportunity to introduce testimony affecting her right to enrollment, but that said representatives would be required to notify her of their intention to introduce such testimony before they would be permitted to do so.

Yours truly,

Encl 7 [illegible]

Commissioner in Charge.

Choctaw D 573

Muskogee, Indian Territory, October 27, 1902.

Albert Rennie,

Pauls Valley, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 22nd instant, in which you desire to know the status of the application of Lizzie Wasson for enrollment as a citizen by intermarriage of the Choctaw Nation, stating that this woman appeared before the Commission at Pauls Valley, Indian Territory, on the 22nd instant.

You are advised that Lizzie Wasson appears upon our records as an applicant for enrollment as a citizen by intermarriage of the Choctaw Nation but a decision has not up to this time been rendered by the Commission in the matter of her application.

Respectfully,

Commissioner in Charge.

Choctaw D-878

Muskogee, Indian Territory, February 26, 1903.

Lizzie Roberts,

Pauls Valley, Indian Territory.

Dear Madam:

It is the present intention of the Commission to establish land offices in the Choctaw and Chickasaw Nations April 1, 1903. The Act of Congress approved July 1, 1902, provides:

"No person whose name does not appear upon the rolls as herein provided shall be entitled in any manner to participate in the distribution of the common property of the Choctaw and Chickasaw tribes."

It will be necessary, before your right to enrollment as an intermarried citizen of the Choctaw Nation can be determined, that you appear before the Commission and testify as to your status on September 25, 1902.

For this purpose the Commission has made an appointment at Ardmore, Indian Territory, March 10 to 15, 1903, and you should personally appear at said place on one of the above dates for the purpose herein indicated. No further action can be taken relative to the determination of your rights to enrollment until this testimony is received.

Respectfully,

Chairman.

Choctaw D 573

Muskogee, Indian Territory, April 7, 1903.

T. J. Jackson,

Hart, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of April 3, asking if Lizzie Rogers is a recognized citizen of the Choctaw or Chickasaw Nation, and if she will be entitled to select her allotment on the fifteenth of April, at the opening of the land offices.

In reply to your letter you are advised that it appears from our records that Lizzie Rogers, formerly Lizzie Wasson, has been listed among the doubtful claimants to enrollment as an intermarried citizen of the Choctaw Nation, and her final right to such enrollment has not yet been determined. As soon as a decision is reached in her case she will be notified of the action of the Commission.

Replying to that part of your letter relative to the selection of an allotment by her, upon the opening of the land offices, your attention is invited to rule fifteen of the rules and regulations governing the selection of allotments and the designation of homesteads in the Choctaw and Chickasaw Nations, copy of which is herewith inclosed you.

Respectfully,

Rules for allotment.

1

7-D-573

Muskogee, Indian Territory, October 8, 1903.

A. M. Turner,

Hart, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of September 19, 1903, requesting information relative to the enrollment of one Lizzie Rogers, wife of J. T. Rogers, as a citizen of the Choctaw Nation.

You are advised it appears from our records that Lizzie Rogers, formerly Lizzie Wasson but now wife of J. T. Rogers, is an applicant to this Commission for enrollment as an intermarried citizen of the Choctaw Nation, but no decision relative to her right to final enrollment as such has yet been rendered by the Commission.

Respectfully,

Chairman.

1

7-B 573

Muskogee, Indian Territory, October 27, 1903.

Lizzie Wasson,

Wynnewood, Indian Territory.

Dear Madam:

Your letter of September 28, addressed to the Secretary of the Interior has been by him referred to this Commission for consideration and appropriate action. You ask therein concerning your right to enrollment as an intermarried citizen of the Choctaw Nation.

In reply to your letter you are informed that it appears from our records that you are an applicant to this Commission for enrollment as an intermarried citizen of the Choctaw Nation, but that your final right to such enrollment has not yet been determined.

You are also informed that before any further consideration can be given your application for enrollment as an intermarried citizen of the Choctaw Nation, it will be necessary for you to appear before the Commission at its office at Muskogee, Indian Territory and testify relative to your intermarried status on September 25, 1902, the date of the final ratification by the citizens of the Choctaw and Chickasaw Nations of the Act of Congress of July 1, 1902.

Respectfully,

Commissioner in Charge.

Choctaw D573

Muskogee, Indian Territory, November 7, 1903.

Albert Rennie,

Pauls Valley, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of November 2, in which you ask if it will be necessary for Lizzie Wasson to appear before the Commission again for the purpose of testifying relative to her intermarried status on September 25, 1902, and you are advised that it will be necessary for Lizzie Wasson to appear again in person before the Commission for the purpose of giving additional testimony relative to her intermarried status on September 25, 1902.

Respectfully,

Chairman.

Choctaw D 573

Muskogee, Indian Territory, December 15, 1902.

T. J. Jackson,

Hart, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of December 8, asking the status of the enrollment of Lizzie Reggers, formerly Lizzie Wasson.

In reply to your letter you are advised that the Commission has not yet passed upon the application of Lizzie Rogers, formerly Lizzie Wasson, for enrollment as an intermarried citizen of the Choctaw nation. As soon as a decision is reached in this case she will be notified of the action of the Commission.

Respectfully,

Chairman.

Choctaw D 573

Muskogee, Indian Territory, February 10, 1904.

Lizzie Rogers,

Hart, Indian Territory.

Dear Madam:

You are hereby advised that under direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Choctaw and Chickasaw Nations dated January 23, 1904, no further action will be taken relative to your enrollment as a citizen by intermarriage of the Choctaw Nation until the Commission is further instructed by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

Choctaw D 573

Muskogee, Indian Territory, February 10, 1904.

Albert Rennie,
Attorney-at-Law,
Paula Valley, Indian Territory.

Dear Sir:

You are hereby advised that under direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Choctaw and Chickasaw Nations dated January 25, 1904, no further action will be taken relative to the enrollment of Lizzie Rogers as a citizen by intermarriage of the Choctaw Nation until the Commission is further instructed by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

Choctaw D #73

Muskogee, Indian Territory, March 26, 1904.

J. F. Rogers,

Canadian, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of March 23, asking for blanks for taking affidavits of persons relative to Lizzie Rogers, who made application to the Commission as Lizzie Wasson, and in reply you are advised that the Commission has no blanks of the character referred to by you for distribution.

Respectfully,

Commissioner in Charge.

Tahlequah, Indian Territory, March 31, 1904.

Minnie Rogers,

Chilocco, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 28th inst., enclosing affidavits of Miss Chenie, G. W. Choate and Miss A. Smith, relative to your marriage to Alfred Victor, and the same have been duly filed with the records of the Commission in the matter of your application for enrollment as an intermarried citizen of the Choctaw Nation.

Respectfully,

Commissioner in Charge.

Choctaw D 878

Muskogee, Indian Territory, April 6, 1904.

Arthur Rennie,

Pauls Valley, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of March 30, 1904, asking if certain affidavits registered from Wynnewood, Indian Territory, in the matter of the application of Lizzie Rogers, formerly Lizzie Wasson, have been received; also when this case will be taken up for consideration and determination.

In reply to your letter you are advised that the affidavits of Eliza A. Smith, G. W. Choate, and Eliza Choate were, on March 31, 1904, received and filed with the record in the matter of the application of Lizzie Rogers for enrollment as an intermarried citizen of the Choctaw Nation.

As to when this case will be taken up for consideration you are advised that the Commission will pass upon the application of Lizzie Rogers, formerly Wasson, for enrollment as an intermarried citizen of the Choctaw Nation as early as practicable, and as soon as a decision is reached you will be notified of the action taken therein.

Respectfully,

Choctaw D 673

Muskogee, Indian Territory, April 8, 1904.

Lizzie Rogers,

Wynnewood, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of April 1, asking what will be done with your case after it is passed on by the Commission, whether it will be sent to the Secretary of the Interior or the Citizenship Court at South McAlester, and requesting to be advised when action has been taken.

In reply to your letter you are advised that the Commission will pass upon your application for enrollment as an intermarried citizen of the Choctaw Nation as early as practicable , and you will be informed what action is taken therein. In the event the decision is favorable to your claim, or if it is favorable and a protest is filed by the attorneys for the nations, the record in the case will be forwarded to the Secretary of the Interior, together with the decision of the Commission, for review.

Respectfully,

Commissioner in Charge.

Choctaw D 573

Muskogee, Indian Territory, April 30, 1904.

Lizzie Rogers,

Wynnewood, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of April 25, inclosing clipping from the Dallas News relative to the action of the Choctaw and Chickasaw Citizenship Court on cases in which the 1896 papers were forwarded to that court, and you ask if this refers to the papers filed by you before the Commission in 1896.

In reply to your letter you are advised that it does not appear from our records that your case has been pending before the Choctaw and Chickasaw Citizenship Court, nor that application was made by you to the Commission for citizenship in 1896 under the provisions of the act of Congress of June 10, 1896.

The Commission has not, yet, however, passed upon your application for enrollment as an intermarried citizen of the Choctaw Nation. As soon as a decision is reached herein you will be notified of the action taken.

Respectfully,

Chairman.

Choctaw 2-573.

Muskogee, Indian Territory, July 27, 1904.

Lizzie Rogers,

Wynnewood, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of July 21, in which you ask if you can send the numbers of your land to the land office and have it reserved until your case is decided.

In reply to your letter, you are informed that the Commission has not passed upon your application for enrollment as an intermarried citizen of the Choctaw Nation. However, if you will forward a description of the land upon which you have improvements, which you desire to select as allotment, proper notation will be made upon our records and you will be notified in the event any other person makes application for the same land, and will be permitted to institute contest proceedings if it is so desired.

As soon as a decision is reached in your case, you will be notified of the action taken therein.

Respectfully,

Commissioner in Charge.

Choctaw D 573

Muskogee, Indian Territory, August 25, 1904.

Lizzie Rogers,

Wynnewood, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your letter of August 18, asking that your case be passed upon as early as possible, and in reply you are advised that the Commission will take up for consideration and determination as early as practicable your application for enrollment as an intermarried citizen of the Choctaw Nation, and when a decision is rendered you will be notified of the action taken therein.

You are advised that the land described in your letter, which you desire to have set aside for you, is not in the Choctaw or Chickasaw Nation.

Respectfully,

Chairman.

Choctaw D 972

Muskogee, Indian Territory, September 27, 1904.

Lizzie Rogers,

Wynnewood, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your letter of September 19, asking if you will be safe in buying certain improvements on unallotted land before your name is approved.

In reply to your letter you are advised that the Commission is now considering your application for enrollment as an intermarried citizen of the Choctaw Nation, and as soon as a decision is reached you will be notified of the action taken therein.

Relative to the purchase by you of improvements on unallotted land you are informed that this is matter which does not come within the jurisdiction of the Commission, and it is, therefore, impracticable to give you any advice on the subject.

Respectfully,

Chairman.

[illegible], Indian Territory, November 6, 1902.

W. F. Jackson,

[illegible], Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 1st instant, requesting that you be informed whether or not Mrs. Elizabeth Wasum is a citizen of the Chickasaw or Choctaw Nation.

You are informed that it appears from the records of this office that Lizzie Wasum, 45years of age, of Paula Valley, Indian Territory, is listed as a rejected claimant to citizenship in the Choctaw nation.

Yours truly,

Acting Chairman.

W-B-671

Choc 5868 William Henry Marshall

Mass from Choc RD-578 Nov 26 1949

5868

In the matter of the application for the enrollment of William H. Marshall as a citizen by blood, and Annie Palmer Marshall as a citizen by intermarriage, and William Henry Marshall Jr. as a citizen by blood of the Choctaw Nation.

7-D-598/

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Atoka, I. T. December 10th, 1900.

In the matter of the application of William Henry Marshall for the enrollment of himself and child, William Henry Jr., as citizens by blood of the Choctaw Nation and for the enrollment of his wife as a citizen by intermarriage of the Choctaw Nation.

The said William Henry Marshall, being sworn by Acting Chairman Bixby, was examined by Mr. J. G. Ralls, attorney for applicants, and testified as follows:

Q What is your full name? A William Henry Marshall.
Q What is your age? A Twenty-eight.
Q What is your post office? A Coalgate.
Q How long have you lived in the Choctaw Nation? A My parents moved here when I wasfour years old, in this country.
Q Have you resided here ever since? A Yes, sir.
Q Do you know where your parents came from to this country? A Yes, sir; from the Chickasaw Nation.
Q Were you born in the Chickasaw Nation? A Yes, sir. I was born in Pickens County, in the Chickasaw Nation, in 1872.
Q What is the name of your father? A Henry Marshall.
Q Is he enrolled as a Choctaw Indian by blood? A Yes, sir.
Q What is the name of your mother? A Nancy Marshall.
Q Is she still living? A Yes, sir.
Q Do you know whether she is enrolled by the Choctaws as an intermarried citizen or not? A Yes, sir; I think she is. I couldn't swear that.
Q On the 1896 roll? A Yes, sir; she is.
Q You have lived here ever since you came to this country? A Yes, sir.
Q Are you a married man? A Yes, sir.
Q When were you married? A The 17th of last May a year ago.
Q To whom were you married? A To Miss Annie Palmer.
Q Is she a white woman? A Yes, sir.
Q She never claimed citizenship in any of the Nations? A No, sir.
Q Are you still living with her? A Yes, sir.
Q Have you any children? A Yes, sir; I have one.
Q What is his name? A William Henry.
Q It is William Henry Jr., then? A Yes, sir.
Q What was the date of his birth? A The 17th of last May.
Q He is till living, is he? A Yes, sir.
Q You own a farm in the Choctaw Nation, do you? A Yes, sir.
Q Have you been recognized ever since you have been here as a member of the Choctaw Nation? A Yes, sir.
Q You have voted at the elections, have you? A Yes, sir.
Q Did you attend the Choctaw schools? A Yes, sir.
Q Your father was admitted to citizenship by an Act of the Choctaw council in 1884? A Yes, sir.
Q You were living with him at the time, were you? A Yes, sir.
Q About how old were you at that time? A Well, I was born in 1872. You can calculate it.
Q And he was admitted in 1884? A Yes, sir.
Q Were you placed on the leased district roll? A Yes, sir.
Q Did you draw what is known as the leased district money? A Yes, sir
Q How much did you get? A One hundred and three dollars.
Q You now desire to be placed on the roll, and have your wife enrolled and also your child, do you? A Yes, sir.

Q Your father is a Choctaw Indian by blood? A Yes, sir.
Q And your mother is a white woman? A Yes, sir.
Q They have lived together ever since you remember? A Yes, sir.

EXAMINATION - - - - - - - - - - - By Acting Chairman Bixby.
Q Where were you married? A I was married five miles east of Coalgate.
Q In the Choctaw Nation? A Yes, sir.
Q How do you claim citizenship for your wife? A Why she is an intermarried citizen. That is the only way I could claim it.
Q You claim that she is an intermarried citizen of the Choctaw Nation? A Yes, sir.
Q Has she ever been enrolled? A No, sir.
Q How did you come to be recognized as a citizen of the Choctaw Nation? A Well, it was supposed at the time when my father was admitted that the head of the family constituted the whole thing.
Q You claim to be a citizen of the Choctaw Nation because of the fact that your father was admitted to citizenship in the Choctaw Nation by an act of the Council? A Yes, sir.
Q You were not named in the Act admitting your father? A No, sir.
Q Have you your marriage certificate? A No, sir; I didn't bring it. I have it at home.
Q You have just been married the one time? A Yes, sir; that is all.
ACTING CHAIRMAN BIXBY: Let there be made a note in this case of the fact that certificate of marriage is not yet filed.
Q What proportion of Choctaw blood flows in your veins? A One fourth.
MR RALLS: Have you ever received any notice that there would be any steps taken to strike your name from the rolls of the Choctaw Nation? A No, sir.

Witness excused.

----o-----

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings in this application at the time and place abovementioned and that the foregoing is a true, correct and complete transcript of his stenographic notes thereof.

W. S. Mellon

Subscribed and sworn to before me this ~~14th day of December 1900.~~ 19th day of January 1901

Guy L. E. Emerson
~~Acting Chairman.~~ Notary Public.

4 in Application of William Henry Marshall, et al.
4 in Robert Lee Marshall.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Atoka, I. T. December 11th, 1900.

In the matter of the application of Henry Marshall for the enrollment of his wife, Nancy, as a citizen by intermarriage of the Choctaw Nation.

The said Henry Marshall, being sworn by Acting Chairman Bixby, was examined by Mr. J. G. Ralls, attorney for applicant, and testified as follows:

Question. What is your name?
Answer. Henry Marshall.

Q How old are you, Mr. Marshall? A Sixty.

Q What nationality are you, Mr. Marshall? Are you a white man or a Choctaw? A Well, I suppose I am a Choctaw--I am a white man too---I hardly know how to answer that question.

Q You are a recognized member of the Choctaw Nation, are you, Mr. Marshall? A Yes, sir.

Q You were admitted by an Act of the Council of the Choctaw Nation in 1884? A Well, yes, I was admitted by the Choctaw Council. I think there is a mistake right there. I think it was in 1886, in October 1886.

Q At the time you were admitted you were a married man, were you? A Yes, sir.

Q What was the name of your wife? A Nancy.

Q Wash she a white woman? A Yes, sir.

Q Did she and you have any children at the time you were admitted? A Yes, sir.

Q What were their names? A William Henry Marshall and Robert Lee Marshall.

Q They are the same persons who have been before the Commission, are they? A Yes, sir.

Q Were they living with you at the time? A Yes, sir.

Q Were you living in the Choctaw Nation? A Yes, sir.

Q How long have you lived in the Choctaw Nation? A I have been living in this county since 1877. I came to this county in 1877.

Q From what country did you come from to the Choctaw Nation? A From the Chickasaw Nation in Pickens County.

Q How long did you live in the Chickasaw Nation? A I lived in the Chickasaw Nation three years.

Q What proportion of Choctaw blood do you claim? I claim only one fourth myself of Choctaw blood.

Q One fourth? A Yes, sir.

Q Is your wife still living? A Yes, sir.

Q She has lived with youall the time since you were married? A Yes, sir.

Q These boys were with you in the Choctaw Nation at the time you were admitted? A Yes, sir.

Q The Act admitting you named you alone? A I suppose so, yes, sir.

Q Do you know why it was your name was used and your children's names and the name of your wife omitted?--why it was they did not insert the names of your children and your wife? A Why, at the time when I put in my petition I was talking something about it, and I was advised by several different ones that the head of the family was all that was necessary---all that was required; that the head of the family ruled the family, and of course in putting in the petition

or in making out the bill when I was admitted why there was only my individual name that was placed on the roll or in the bill.

Q You had an attorney looking after the matter for you? A Yes, sir.

Q Have you and your children and your wife been recognized as members of the Choctaw Nation ever since that act was passed? A Well, I suppose so. I haven't heard any complaint at all. My children has always been recognized, I suppose, as Choctaws. They have had the same privilege as Choctaw children all along.

Q In what way? A Well, in the schools. They have had the benefit of the Choctaw schools; they had the benefit of the leased district payment; they have been placed on all of the rolls from the school roll up until this present roll,---

Q That is being made by the Commission? A Yes, sir. They were never rejected at all until last September.

Q Who was it rejected them then? A It was the Dawes Commission

Q Which one of the Commissioners? A Well, I don't know. I wasn't acquainted with any of them, and I didn't know their names/

Q Do you know whether or not it was Mr. McKennon? I do not. I couldn't say positive. I don't know him.

Q What is the condition of your wife's health at this time? A It is poor.

Q Is she able to come here now? A No, sir; she is not.

Q Have you your marriage license and marriage certificate? A No, I haven't. I was married. I writ for my marriage license and marriage certificate, but I got an answer that the office had been burned, the court house had been burned, and the clerk's office of course, and the marriage license and everything of the kind had been destroyed. I got a letter to that effect.

Q Where were you married? A I was married in Whiteman, Wood County, Texas.

Q Who married you? A A man by the name of Ray.

Q What year was that you were married? A That was 1866.

Q Your wife never claimed to be member of any nation by blood or otherwise prior to your marriage with her? A No, sir; she never did.

Q Her mother and father were white persons? A Yes, sir; they were white people.

Q And you are now asking for your wife to be enrolled as an intermarried citizen A Yes, sir.

MR. RALLS: (Counsel for applicant) I desire to have copied of the testimony of Mr. Marshall filed in the cases of his two sons, William Henry Marshall, for the enrollment of himself, his wife and child, and Robert Lee Marshall for the enrollment of himself.

MR. BIXBY: (Chairman of Commission) All right.

Q What was the name of your wife's father? A My wife's father Allen Screw.

Q What was her mother's name? A Barbara Screw.

---o---

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings in this application at the time and place above mentioned and that the foregoing is a true correct and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 14th day of January, 1900.

Guy L. Emerson
Notary Public.

COMMISSION TO FIVE TRIBES.			
No.	Received	ANSWERED	
		Book	Page
1715			
1901	FEB -5 1901		

Marshall, I.T.
Atoka, I.T.
Feby 4 1901

CHOCTAW

Giving age and maiden name of his wife, also names of her mother and father.

File with Choctaw 10 598

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
FEB 7 1901

ACTING CHAIRMAN

Joseph G. Ralls.
Attorney-at-Law
ATOKA, IND. TER.

Office Opposite Court House.

7 D. 598. Atoka, I. T., Feb., 4, 1901.

The Commission to the Five Civilized Tribes,

Muskogee, I. T.,

Dear Sir:-

Replying to yours of January, 22nd, asking for information as to the age of my wife and the names of her parents, I beg to say that my wife is 20 years of age and her maiden name was Anna Palmer, her mother's name was Winnie Palmer, her father's name John Palmer. Her father is living and her mother is dead.

Very respt.,

W. A. Marshall.

Dict.

Subscribed and sworn to before me this the 4th day of February, 1901.

J. G. Ralls

Notary Public, Central District,
Indian Territory.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, April 14, 1902.

In the matter of the application of Wm. H. Marshall for the enrollment of himself and his minor child, William Henry Marshall, Jr., as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Annie Palmer Marshall, as a citizen by intermarriage of the Choctaw Nation.	D-598.

Now on this 14th day of April, 1902, the applicants in the above entitled cause appear by their Attorney, J. G. Ralls, and offer in this case a certified copy of the evidence taken in the case of James M. Buckholts, and ask that the same be considered as evidence in this case so far as applicable herein. This applicant will be found on the leased district pay roll of Atoka County, Choctaw Nation; his name will also be found on the Choctaw census roll of 1896, Atoka County, as the son of Henry Marshall a Choctaw and Nancy Marshall a white woman. The applicant asks that these records be considered in this case. This case will now be considered by the Commission upon the evidence and record as made up.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on April 14, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of April, 1902.

Hal Belford

Subscribed and sworn to before me this 15 day of April, 1902.

Notary Public.

James S. Standley, being duly sworn and examined, testified as follows:

Mr. A Tolle, Attorney for the applicants: Capt. Standley, I will ask you if you are a Choctaw Indian by blood?

A Yes,sir.

Q What is your age? A 59 years of age.

Q Your residence? A Choctaw Nation; I claim Atoka as my headquarters, my home, I have no domicile in the town, but I am at home here.

Q I will ask you how long you have been in the Choctaw Nation?

A I came here in 1873.

Q I will ask you whether or not you are acquainted with the laws and customs and usages of the Choctaw people with reference to citizenship? A Yes,sir. I think I Am.

Q Did you ever occupy any position at the Choctaw Council, where they have passed on these questions of citizenship? A Yes.

Q I will ask you if you have ever acted in the capacity of draftsman for the Council? A Yes,sir.

Q Where citizenship cases were passed upon? A Yes, many a time.

Q I believe you state that you are well acquainted with the laws of the Choctaw Nation? A yes,sir.

Q I will ask you if you know of any law of the Choctaw Nation previous to the Act of 1888, wherein it was required that the names of the applicants should be presented to the council, all of the names, other than the names of the heads of the families?

A No, I do not.

Q Then, as I understand it has been the custom of the council to admit people by simply admitting the heads of families?

A Yes, I will say that is my understanding, some have been.

Q Admitted the heads of families, and the others all came in?

A That has been the custom.

Q I will ask you if you know William Buckholt? A Yes.

Q And R. T. James? A Yes.

Q I will ask you whether or not you know John Null? The old John Null? A I knew him simply as a matter of record, and a matter of common knowledge in the country.

Q I wil ask you if you know of any statue authorizing the Supreme Court to pass on cases in the Choctaw Nation; and law of the Choctaw Nation authorizing the Supreme Court to pass on citizenship cases?

A The Supreme Court of the Choctaw Nation, there used to be an old law years ago, that was the law when I came here.

Q You were not present when the Supreme Court passed on the case of William Buckholt and others? A No.

Q I will ask if you were attorney in the case of one J. R. Plumer when he was admitted to citizenship by the Citizenship Commission of the Choctaw Council? A Yes.

Q I will ask you if there was any expression of the Committee as to what their intention was at the time that he was admitted to citizenship? A There was no question raised by the Commission that I know of, with reference to the necessity of having his entire family incorporated in the bill.

Q Did the applicant himself ask the question? A Yes, the question was raised by him.

Q And what was the answer of the Commission to his question, as to whether he ought to name the children or not? A It has been a good long time ago, and my recollection is it wasn't necessary,

Q That the admission of the parents carried with it the rights to the children? A Yes.

Q Then, as far as your experience goes and observation with reference to the Choctaw affairs, it has been the custom of the Choctaw Nation, where the parents were admitted to citizenship, that the children took their status, without naming them?

A Let me answer that in my own way, and I will state my experience to you. I was attorney for Plumer, I was the attorney for Stewart, I was the attorney for Marsh; and I can't cal to my mind another case now; and in all those cases, if it had been my understanding that it didn't carry all fo them with the head of the family, it would have been an easy matter, you understand, for me to insert the name. The fact that we didn't do so, and I was the attorney in the case, is sufficient for the Commission to understand what my understanding of the law was, and what the custom was at the time, as I understood it.

Q I will ask you whether or not the Choctaws have recognized the children of William Buckholts, R. T. James, and John Null, as far as exercising the rights of citizenship goes, since that time?

A As to Buckholt and James, I know more about in a general way, than I do about the Null family. I will say that as far as my information goes, they have always been recognized; I have never heard anything to the contrary.

Q I will ask you if it is not true with reference to other cases where they were admitted by act of the council and the children not named? A I think, so, yes; Palmer's children went ahead here and were admitted by the laws, and that other case, and the Marshalls.

MR. CORNISH: You spoke of two or three cases, the Marsh and Plumer case, and what other case? A Mrs. Nancy Stewart.

Q Were those cases where the heads of families only were named in the act of the Commission? A In the Nancy Stewart case, that was different fromthe others.

Q I am inquiring if you did represent certain cases, wherein only certain heads of families were named in the act? A Yes.

Q What other cases in addition to the Buckholt? A The Marshall case and the Plumer case; the Stewart case went beyond the Council.

Q There are two cases wherein only the heads of families were named A Yes.

Q And there are descendants of these persons claiming and asserting rights in the Choctaw Nation? A That is my understanding; I know some of Plumer's children are here, and some not here; and Marshall's, Marshall has a mixed blood.

Q Is it not a fact then, that the Plumer's, after they were admitted by naming the heads of the family, that by subsequent act of the Council, the members of the family were named in that?

A I don't really know that.

Q That is your understanding, is it? A Yes.

Q So, that leaves only the Marshall case? A Yes, but mbnd you, I don&t remember about that subsequent act of the Plumers.

Q Isn't that your understanding that it was done? A No, I don't remember it; it might have been done, I don&t say it wasn't done, and I might have been called upon to testify in reference tothe other.

Q Is it Henry Marshall that you speak of? A Yes, Henry Marshall.

Q Capt. Standley, how many acts of the Choctaw Council do you think have been passed since the commended to admit persons many years ago; about how many cases? A I can't hardly tell.

Q Ther have been at least 100? A Yes.

Q Perhaps 200? A Yes, I don't know how many.

Q Something, perhaps 100 and 200? A That would be a good guess.

Q Isn't it a fact , that so far as your information goes, that only in these three cases were only the heads of families mentioned?

A I can't say, because many of those cases I had nothing to do with.

Q Do you know of any other cases, wherein persons claim through acts of the Council, wherein only the heads of families were named?

A Of my own knowledge, no, I do not; I haven't been attorney for many cases.

Q I supposed you might be familiar with the various acts, from going through the old books. A I would not know from drafting an act, who was in, and who wasn't in.

Q Is it not a fact that the propotion would be fifty to one, or perhaps 100 to one, as regards cases wherein only the heads of families were named, and the cases wherein all persons claiming admission would be? A It might be; my knowledge of it isn't sufficient to justify me inanswering that question, these cases that I single out I know of personaly, and the other cases wherein I was simply serving as draftsman of the council, there might have been only the heads, and there might have been all the family.

Q Since Mr. Telle wanted to get your opinion and general information as to the custom, I thought I might go furhher and get the benefit of your general knowledge of Choctaw affairs as well.

A Very well, and they will see from my action at the time of the admission of these parties, that it was my general understanding and the understanding of my associate, Colonel Nelson, and he was a much older man than I am, and had lived here all his life, and was more familiar with the laws than I was; and that was his understanding, and he guided me largely.

Q This custom would it warrant the recognition by the Choctaws, of the brothers of a person admitted and the sisters, was that your knowledge of the customs? A I wouldn't say that; I don't know that there has been any customs on that subject.

Q Do you know of any brothers and sisters of persons admitted by acts, who have without any specification by the Council, been recognized as Choctaw Citizens? A Yes.

Q You know of cases where one person was admitted, and the brothers of that person, never having been admitted, has been by the Choctaws recognized, but never was admitted by an act of Council, and carried on the rolls? A Yes.

Q What case? A I don't know of but one/ and that is my own brother.

Q You don't know of any other case? A I can't call to mind any other case, but if I was to talk around among the people and get my memory refreshed, I might think of some.

Q Is your brother living? A No, sir.

Q So far as you know, this custom would not extend to Colateral relatives, brothers and sisters? A No, I can't say as to what the custom has been about that; I have had no other experience; there has been no way of obtaining information on that line.

Q The only act of the Choctaw Council, then, of which you have any personal knowledeg, wherin only heads of families were admitted and in which the relatives sought to be recognized as Choctaw citizens, were those three cases you spoke of, the Buckholt case, the Marshall case and the Plumer case? A Yes, sir, and the Stewart case.

Attorney J. G. Ralls, for applicant: In the Stewart case, before the Council, the petition only mentioned the name of Mrs. Stewart,

did it? A Yes sir.

Q Then again it went to the Indian Agent under a special act of the Choctaw Council, and there the agent inserted the names of the descendants? A Yes.

Q And required them to be inserted there? A Yes?

Q And they were admitted there by the Indian Agent, that was appointed by the Secretary of the Interior, was it? A Yes.

ALENTON TELLE, Duly sworn by Acting Chairman
BIXBY, testified as fol lows:-

By Mr. Bailey:

Q State your name? A A. Telle.

Q What is your age, Mr. Telle? A Forty-one years.

Q You are a Choctaw Indian by blood? A Yes, sir.

Q Born and raised in the Choctaw Nation, were you? A Yes, sir.

Q What official position have you held in the Choctaw Nation?

A I have held several positions . The longest position I have held was National Secretary.

Q Have you held the position of National Attorney for the Choctaw Nation? A Yes, sir.

Q Have you been a practicing attorney in the Choctaw Courts for how long? A For nineteen years.

Q During this time you have examined the laws of the Choctaw Nations on various questions, and especially in regard to citizenship have you Mr. Telle? A Yes, sir.

Q Now state, Mr. Telle, if prior to October, 1893, there was any law of the Choctaw Nation, requiring Shawnees coming to this country to be admitted, in order to enjoy the benefits, as Choctaws?

A That was the date?

Q October, 1872. A My recollection is there was not. The law that you refer to - I think the law that is on file there with the Commission- is the first law, and I think it was passed at a special term in 1872, earlier than October.

Q What time in 1872? A I think in April. I have forgotten the date exactly.

Q Then prior to that act they had no law requiring persons to be admitted by the Choctaw Council or by the Courts, or in any other manner, in order to enjoy the privileges as Choctaws? A I have never been able to find any law they required Choctaws to be admitted by an act of Council.

Q If a Choctaw came to this country, and the officials of the Choctaw Nation recognized him as a Choctaw prior to that act, then he took the privilege as a Choctaw and was duly recognized, was he? A That is my understanding.

Q As a matter of fact, a great many of the Choctaws that are now in the Choctaw Nation, have come here, and have never been admitted by any act at all, have they, Mr. Telle, and are they recognized? A Yes,sir; a great many of them. Possibly four or five hundred; I mean by that people that did not come at the time of the emigration provided by the treaties, but who simply emigrated; simply came out here afterwards. They came all of the way from the time of the emigration in the thirties, up to the time in 1872, when the law was passed.

Q Were you a member of a Commission that made the rolls of the Choctaws, in 1893? A Not in the Choctaw Nation.

Q Were you in the Chickasaw Nation? A I made the roll in the Chickasaw Nation of Choctaws residing in the Chickasaw Nation.

Q Were you a member of the Commission that made the roll in the Choctaw Nation in 1896 I believe it was, or 1897?

A No, sir; not in the making of the rolls.

Q What position did you hold in that regard, in connection with the citizenship business? A No connection with it at all, in 1896 or 1897 either.

Q Now, being acquainted with the laws and customs of the Choctaw Nation, Mr. Telle, in the preparation of the Lease District roll, were persons of white blood put on as Choctaws, or were only Choctaws by blood placed on the roll? A Only Choctaws by blood.

Q Your Commission determined the question of blood? A That is we enroled them. Then there was a kind of revisory board that passed on all of them. I think from the rolls that we made in the Chickasaw Nation, of Choctaws residing there, possilby they cut out four or five.

Q And then the Leased District payment was made to those remaining on the roll/ after the revisory board had gone over it? A Yes sir.

CROSS-EXAMINATION BY MR. CORNISH.

Q Mr. Telle, you stated that you were National Attorney of the Choctaw Nation? A Yes, sir.

Q How long have you been National Attorney? A About a year and a half.

Q You were a member of the Citize nship Commission of the Choctaw Nation, appearing before the Dawes Commission, were you not? A I was simply clerk. of the Commission.

Q How long were you clerk of the C mmisn on, before the Dawes Commission? A I have been figuring that up.

Q Since the fall of 1898? A Either the fall of 1897 or 1898. It was the first--

Q Yes, well, you have given a construction, as you understand it, of the laws, customs and usages of the Choctaw Nation, as to citi-

-zenship matters? A Yes, sir.

Q You are an attorney in this case, are you not? A I am, yes sir.

Q Do you know of any other act of Choctaw Council through which persons, claiming Choctaw Citizenship, that does not specifically mention the names of all the persons li ving at that time, upon whom it desired to confer citizenship? A No, sir; I know of no act specifically on the statue books. Now, there is one- there are pesibly one or two that allowed people to stay here.

Q Possibly one or two? A Yes, sir; I remember that in the old J. P. Folsom code; code made in 1869 by J. P. Folsom, I see there that they allowed a white man to stay here on account of his marriage or during good behavior, I believe.

Q That is an exception or two, I believe? A And then there was a band of what they called Biluksha. It seems that they were really Choctaws, and in attempting to come to this Country, not knowing the geography of the Country, went South of here, and finally stopped up in the Caddo country, and what is known as the Leased District. They spoke the Choctaw language, and had the customs of the Choctaws, and some time, along about the year 1657, I believe I simply speak from memory. They allowed these Bilukshas to come down here as Choctaws.

Q Now, these Buckholts and Jones people don't claim to be Bilukshas, do they? A No, sir.

Q Going back to the question, do you know of any other Act of the Choctaw Council that assumes to confer citizenship on persons that don't specifically name t ose upon whom it is desired to confer Choctaw Citizenship? A No, sir.

Q You don't know of any other Act? A No, sir.

Q You stated that you are familiar with the laws of the Choctaw Nation, have held various positions, and practice law before the Choctaw Courts? A Yes,sir.

Q You are reasonably familiar with the Choctaw Laws, are you not? A Reasonably so, yes,sir.

Q And about how many acts would you say there are of the Choctaw Council that have been passed since they began that business; about how many acts? A I don't know.

Q You could guess at it, couldn't you? A I have copies of the pamphlets, and could refer to them.

Q They are exceeding one hundred, are they not? A I could not say, as to that.

Q I would like to have you give me an idea? A If you will let me get my books.

Q There are a great many acts, are they not? A Yes,sir

Q Would you give your opinion that they would exceed fifty acts specially conferring citizenship. I suppose you wuld not hesitate to say that they would exceed fifty, would you? A I would not say as a matter of fact I don't believe they go over fifty. There are a great many acts referring to citizenship, but most of them refer to rejected cases.

Q There are a great many; you would not care to fix the number? A No, sir.

Q Now, all of all that number, be it fifty, sixty, forty or two hundred, you don't know of any act that assumes to confer citizenship that doesn't name the parties specifically, do you, except this act of Buckholt, Jones and Hull, do you? A Well, sir; to tell the truth, I don't know of any act that requires it at all.

Q My question is this. You state there are a great many acts? A Yes,sir.

Q Ranging it may be from fifty to two hundred, there are a great many acts? A I don't say so.

Q This is my question. Of what number of acts, now do you know of any othr act that assumes to confer citizenship that doesn't name the parties specifically name the persons upon whom it is desired to confer citizenship, that doesnot specifically name the persons in it? A Yes, sir, I do.

Q Well, mention them. A I know one or two. One is a case of Henry Marshall.

Q Henry Marshall? What other? A J. B. Plumer.

Q What other? A In the acts of 1884 you will find a list passed on that didn't name anyone but the claimants; some time had the word "family" andsometimes not.

Q Are these the only ones you know? A Well there are several names included in this list. The Council made a general list and where John Smith appeared, maybe said husband and children, or wife and children.

Q What act is that, now. A I think about the year 1884.

Q Who were those person s? A i couldn't say.

Q Were they Mississippi Choctaws who had just joined the people here? A No.

Q Were they not Misisippi Choctaw people? A No, sir.

Q Where did they come from ? A They appeared at Council.

Q Well, where did they come from? A They lived here.

Q How long had they lived here? A I dn't know.

Q How ling had they been from Mississippi? A They were not Mississippi Choctaws.

Q But you don't know that they were Indians, who had come from Mississippi. A I could not say. I know som of the people have been living here as long as I could remember.

Q But you are not able to state that they did not come direct from Mississippi to the Choctaw Nation? A I think I am in some of the cases.

Q Are you able to state in all of the cases? A No, sir? I am not.

Q Is it not a fact that in the Plumer case, after an act had been passed, naming the heads of the families that these parties appeared before the Council, and all parties naming were mentioned.
A Yes, sir? I prepared the act myself.
Q Why did you prepare the act? A The reason for that is this: One of the Plumer boys had ben elected to the council. He had gone through the election, and was elected to Council, and had a seat, as a member of the Council, and it seems that someone suggested the idea that they could not find his name admitted by act of Council.
Q Some one suggested that? A Yes, sir; who it was, I could not say.
Q Suggested that as a reason why he should not be elected to Counc cil? A I could not say.
Q There was a question raised though? A Yes,sir.
Q Why was the question amended? A Wel, I heard it, and I had been one of their supporters and I wanted no question raised. Of course with my information, I could see the possib lity of a question being raised, so I filed a supplemental petition to the original, setting forth that they had been recognized, and one of them was at that time sitting as a member of Cuonncil, and I thought it was safer for the family, and filed the act, and amitted the whole family.
Q Were you one of the ones who raised this question? A No, sir.
Q Who raised it? A I dnt remember.
Q There was a question raised? A I heard it.
Q Raised in Council? A It was outside talk.
Q It was in response to the question that was raised that you drew the act was it not? A Indirectly, you might say it was.
Q You were a practicing attorney at that time? A Yes,sir.
Q And were familiar at that time with the customs, laws, customs and usages of the Choctaw Nation? A Yes,sir I knew it was no

matter, but simply did it as a matter of precaution.

Q As a matter of precaution you drew the act and had it passed? A Yes,sir.

Q When did the Choctaw Council pass a law requiring the names of all persons, upon whom it was desired to confer citizenship presented to the Supreme Court. A I don't remember any such law, sir, there is no law to that effect.

Q My understanding was from Mr. Ralls, that in 1872,- he asked you that, prior to that time there, if there was any law requiring anyone to be admitted? A There was no law before then.

By Mr. Bixby:- Is this evidence or not?

Mr. Cornish: I don't know.

Mr. Bixby: Is it in your reply to your question? A I presume it is.

Q There were some people living here who never were here until that time, some of the most prominent families, came in fifty or sixty. They never had to be admitted to citizenship, and that act in 1872 was the first act that was ever recognized.

Q Do you state that as your opinion, or as a fact? A A fact. A matter of law and record.

Q That is the first act of the Choctaw Council admitting specific persons to Choctaw Citizenship? A Yes,sir. Now there was another act passed later on, it didn't relate specifically to the method of making applications, except one part of it--that was, that it required a receipt from the National Treasurer, of a payment of one hundred dollars for each name asked to be enrolled.

Q When was that? A In 1883, I think.

Q Considerably later than that? A Yes,sir.

Then you stated as a matter of law and fact that this Buckholts, Jones and Hull act, was the first act of the National Council, admitting persons to Choctaw Citizenship? A This was not an act of Council.

Q Well, an act of the Choctaw Authorities? A Yes,sir, in 1872.

Q Do I understand, now, that as a matter of law and fact, that it is the first act of the Choctaw Authorities, specially granting Choctaw citizenship to persons? A Under the law, yes,sir. They were the first people. It was the first case that came up under the new law.

Q Under the new law? A Under the law of 1872.

Q Conferring this jurisdiction on the Supreme Court? A Yes,sir.

Q Then you state there is no act of Choctaw Council prior to that time specifically conferring witizenship upon applicants? A I know of none.

Q Didn't you state, Mr. Telle- I don't believe you were quite correct in your statements- your opinion, as a lawyer, or do you state it as a matter of law; that there wasn't any law prior to the law of 1872?

A There was no Choctaw law requiring cicizens to prove their right to Choctaw Citizenship prior to the Act of 1872. That's the law .

Q Here is what I understand you answer to mean. I understand that you dtated that there was no law prior to 1872 of the Choctaw Council or the Choctaw Authorities, prior to the admission of these Buckholts, Jones and Hull families, that conferred, or assumed to confer citizenship upon individual persons? A Oh, I would like to undefstand you first. I gave you some exceptions, and you said those exceptions did not apply.

Q As I understood you to state a minute ago, this was the first act of Choctaw Authorities conferring or assuming to confer citizenship and before that time did not confer citizenship.

By Mr. Rellis: I would like to understand you myself.
Mr. Cornish: I am not mixed up at all. If you understand English you will understand this.

Q Is this the first act of the Choctaw Council, or the Choctaw Authorities, conferring citizenship upon specific persons, upon persons naming them? A No, sir, it is not. There are those exceptions I speak of.
Q prior to the admission of the Buckholts people? A Yes, sir.
Q Then there are acts of the Choctaw tribal authorities, specigically conferring citizenship upon persons prior to that time, are they not? A No cases of this kind.
Q Perhaps there are different cases, different persons and people but they are persons, people admitted prior to this time?
A I couldn't say they were admitted. You use a word there that was not known to the statue at that time.
Q I will amend the word. A There were some permitted to live here. They were white people, or people of no real descent, but they allowed them to stay here.
Q That was prior to the Buckholts admission? A Yes, sir.
Q These Bilukshas you speak of? A Yes, sir, those were specific acts.
Q These people were specifically named in the act, were they not?
A Who? Q Those people that were permitted to stay here.
A You mean the Bilukshas?
Q I mean all persons who were permitted to stay here. They were in

the act were they not? A No, sir, not all of them. Just heads of families.

Q Is this a clear recollection of the law, or just as you remember it. A My recollection, and I have seen them. One of the old descendants is living up here in Tobucksy County, by the name of Tolu Pase; his English name is Charley Keel.

Q Now, these Bilukshas you spoke of being permitted to live here, were they not admitted to citizenship? A I could not sya. I could not say that the word citizenship appeared as used now.

Q Now, these Buckholts people claim to have full rights of citizenship? A Yes,sir.

Q Now, is there any act of the Choctaw tribal authorities, prior to the admission of the Buckholts people, that confers, or assumes to confer, full citizenship upon persons, specifically named.
A No.

Mr.RALLS:

Q As I understand, you stated, Mr. Telle, that law of 1872, was the first act of Choctaw Council requiring persons to prove up citizenship? Was that the act conferring jurisdiction on the Supreme Court? A Yes,sir.

Q But, prior to that time, the Choctaw Council had passed some specific acts in regards to persons residing in the Choctaw Nation, permitting them to remain, or recognizing them to that extent?
A Yes, sir.

SIMON E. LEWIS, being duly sworn by ACTING CHAIRMAN BIXBY, testified as follows:

Mr. Ralls:

Q Your name is S. E. Lewis? A Yes,sir.

Q How old are you Judge? A Fifty-nine.

Q How long have ye lived in the Choctaw Nation? A Born here.

Q What official positions have you held in the Choctaw Nation?

A I have held a good many.

Q You are a citizen of the Choctaw Nation? A Yes,sir.

Q You have acted as one of the Commissioners of the Choctaws in preparing the rolls that have been made by the Choctaw Nation, have you?

A Yes,sir.

Q you are, at present, one of the Choctaw Commissioners? A Yes,sir

Q epresenting the Choctaw Nation in the hearing of the protest cases? A Yes,sir.

Q Were you a Commissioner that assisted in the preparation of the rolls of 1893? A No, sir.

Q Were you one in 1896? A Yes,sir.

Q What part of the Choctaw Nation did you work in? A There was two boards that worked on this.

Q When was the first rollmadw? I made the roll of the Chickasaw Nation, of Choctaws residing in the Chickasaw Nation. Afterwards, the roll that was made of the Choctaw Nation was very incomplete, and there was another board formed to go over that roll again, and I was Chairman of the board for the first district, and was afterwards a member of the board that revised that roll at Tushkahoma.

Q When you were in the Chickasaw Nation making the rolls of Choctaws in 1896, did you enroll any of the descendants of ~~William~~ Mr. William Buckholts, R. T. Jones, of John Null? A Yes,sir.

Q Who was it you enrolled Judge? A Well, I think old man Buckholts, himself happened to be up there. ~~I~~ I think I enrolled him up there I remember John Null was at Tishomingo, and I don't

remember exactly where he enrelled. I think we enrolled some of the Buckholts people up there.

Q Do you know Frank Plato? A Yes,sir, we enrolled them.

Q Ans W. D. Bailey? A Yes,sir.

Q You were acquainted with the condition of their citizenship at the time were you not? A Not particularly, but I had a copy of the 1893 pay roll, and I noticed they had all drawn their money.

Q Now, Judge, are you acquainted with the different provisions of the Choctaw Laws in regard to the admission of persons to citizenship? A Yes,sir, pretty well.

Q Was there any law of the Choctaw Nation prior to this act conferring jurisdiction upon the Supreme Court of the Choctaw Nation in 1872, requiring persons to prove up citizenship, or to be admitted by any act in order to enjoy the privileges of the Choctaws?

A I don't remember that I ever saw that law. I was just looking over it a moment ago. I don't think I ever saw the law, but it was pased sometime about seventy one or two.

Q Was there any law prior to that time? A No, sir, there was no law, requiring Choctaws who come here, and come from the Mississippi tp prove up their rights. They just come here and settled down, as there were old people enough to identofy them at thattime

Q The Choctaws coming here, and identified by Choctaws who were here, would be recognized by the Choctaw authorities, and treated as members of the Nation? A Yes, sir,

Q There are a great many of the Choctaws that came here? A I know of two families, down by Skullyville since the war I know never was admitted.

Q What are their names? A Wadkins, married Campbell Leflore's sister, and his family. Puryea and Captain Reynalds and his family.

Q Who composed the revisory board at Tushkahoma when you made up the roll? A Alexander Durant was Chairman, myself and ben Wadkins, that is the 1896 roll.

Q Do you know who composed the revisory board when the roll for the payment of the Leased District money was made? A The Governor and his cabinet, whoever they were at that time.

Q Do you remember their names? A Governor Jones, William W. Nelson was the treasurer, Jacob Jackson Secretary.

Q Who was the National Attorney? A I believe I am mistaken about the tresaurer. I expect McCurtain was the Treasurer. I am not certain, they cahnged hands about that time. National Attorney I don't remember who that was.

Q And they were supposed to take off the names of all those who were not recognized citizens, were they? A Yes, sir.

Q And recognized by blood? A Yes, sir. Besides that there were a great many that had got left over, and did not get enrolled, and went down there and was enrolled by that board.

Q Are the Commissioners appointed by the Choctaw Nation objecting to the enrollment of those descendants of Buckholts, Jones and Null? A No, sir.

Q They are willing that they should be enrolled? A We raised no objection. Well, there might have been some of the Commissioners up in the Chickasaw Nation; there was objection raised up there by some of the Commissioners. I don't know.

Q In your opinion, and being acquainted with the laws and customs of the Choctaws, are you, or would you say that they are recognized citizens of the Choctaw Nation or not. A They have always been. The first time I got acquainted I met some on the Jury, Judge Vincent was Judge, and he get crippled, and I come down here to hold court for him. I found them on the jury. I asked who they were,

and they said Choctaws who had been admitted.

Q Knowing the case as you know it, what would be your opinion as to their being recognized citizens? A I would not like to give my opinion. The Dawes Commission is settling that.

CROSS-EXAMINATION BY MR. CORNISH.

Q These two families you speak of as being recognized with an act of the Choctaw Council, is it not a fact that they come direct from Mississippi to the Choctaw Nation? A Yes,sir.

Q Came direct from the old Choctaw Nation to this country?

A Yes,sir.

Q These Buckholts people; where did they come from? A I don't know; I wasn't acquainted with them until 1886.

Q Is it your understanding they come from Texas here? A I have heard some ~~xxxxxx~~of the witnesses state that.

JOSEPH R. PLUMER, being duly sworn by Acting Chairman, BIXBY, testified as follows.

Examination by Mr. Cornish.

Q What is your name? A Joseph R. Plumer.

Q What is your age? A Sixty-seven.

Q You are a citizen of the Choctaw Nation, are you? A Yes,sir.

Q Admitted to citizenship by the Choctaw Council? A Yes,sir, by blood.

Q I want to get a statement from you, for the information of the Commission in regard to your admission to citizenship; when were ~~xx~~ you admitted? A 1883.

Q Now, what persons were named in that act of admission?

A I only petitioned to be recognized myself.

Q What children did you have living at that time? A Well, all of the children.

Q How many? A Eight.

Q All living at that time? ALL, living, no, sir.

Q Some born since? A No, sir, the oldest one married Butler, and was dead; the youngest girl died since.

Q After that act of admission the Choctaws recognized you as a citizen? A Yes,sir.

Q Immediately after your admission to Choctaw citizenship, the Choctaws recognized you? A Yes,sir.

Q Immediately after that did they also recognize your children, your family at that time? A Well, they did; they got the Leased District money, three of the boys.

Q Three of the boys got the Leased District money? A Yes,sir.

Q When was the second act passed? A I think in 1895, possibly in 1894, I have the papers with me.

Q How many of your children did not get the Leased District money?

A Walter G. Plumer, and Mollie G. Plumer

Q And her children? A Yes,sir.

Q Did Walter G. Plumer have children also. A Yes,sir.

Q The children are your grandchildren? A Yes,sir.

Q And others? A I think Franklin E. Plumer.

Q And his children? A Yes,sir.

Q Why did they fail to get the Leased District money? A Because they failed t be here the year before the Choctaw lease. ALL the citizens who were not within the bounds of the Choctaw Nation, would not be counted in the Leased District payment.

Q Then these people you have mentioned were not living in the Indian Territory in 1893 were they? Is that your statement?

A Yes,sir. They were here, but they came in 1892; I think that act was passed in April; in 1893 the payment was.

Q The payment made in 1893 on the rolls made in 1892? A Yes,sir.

Q They were not living in the Choctaw Nation in 1892?
A No, sir, they came after the roll was made up, except three that received their money.
Q Did all of your children who were living here at the time the roll was made up receive their Leased District money? A Yes,sir.
Q And those who did not reside here when the roll was made up, did not receive the money.? A No, sir.
Q Where did they live? A They had moved to Texas.
Q When did they move back? A I think in the fall and winter of 1892.
Q They had lived here however, from the time you were originally admitted up to the time they moved to Texas? A Yes,sir.
Q This second act was passed in 1895? A '94 or '95.
Q Whose name was included in that act? A All included except those who were living outthere. I asked them to come here and live with me, and if they would not come here, their names would not be in there.
Q Then, in the second act of admission the names of all your children, who were then in the Indian Territory, and living with you were mentioned? A Yes,sir.
Q Why did you have that second act passed? A I believed it was right; I wanted the act passed; I wanted to be fair with the Nation.
Q You felt that if this second act stating their names, was not passed there might be some question as to their citizenship ?
A Yes,sir. Bramell Leflore told me to have my children recognized as soon as I could.
Q By the Council? A Yes,sir.
Q And in obedience you had this act passed, in order that there might be no question? A I did, yes, sir.
Q Who else did you talk to about that? A Several of my friends - J. B. Jackson was the man I first had a conference with; he was the National Secretary.
Q You talk

Q You talked quite generally among your friends? A Yes,sir.
Q Did you advise with Mr. Telle about it. A Yes,sir, he drew the petition.
Q And Mr. Telle represented you before the Council, by which the second act was passed? A No, sir, just drew the bill, upon my direction; I placed the matter before the Council myself.
Q Mr. Telle drew the bill? A Yes,sir, I dictated it.
Q Did you ask his advice ? A I just asked him to draw the bill. He was an attorney and of course, knew about it; I told him I wanted the bill to place before the witizenship committee, and wanted my children that was here recognized, and those who would not come here, would not be in .
Q You understand that this does not affect your citizenship?
A I will just say, my daughter, Fannie Seals, I asked her why she wouldn't live in the Indian Territory.
Q You understand this does not affect your citizenship, but another question before the Commission.

EXAMINATION BY MR. RALLS.

Q It wouldn't make any difference if it did apply to your case, you would answer the same way, wouldn't you? A I am pretty sould on it.
Q As I understand you, you only mentioned your own name in the petition to be admitted as a member in 1883? You were admitted, and as soon as you were admitted, your children, who were here with you, were recognized by the Choctaws? A Yes, sir.
Q They got all the benefits as other Choctaws, and afterwards, in order that there might be no question at all, you had an act passed specifically naming all the children who were here?
A Yes,sir.

Q And I also understood you to say that your children were residing here- in regard to the payment of the Leased District money- were placed on the Leased District roll?

A Yes,sir, three of them.

Q Now, isn't it a fact that your son, Charlie Plumer, was elected to council before he was specifically named in any act of admission?

A Yes,sir.

Q In every way your children were regarded as Choctaws.

A Those that were here.

Q That was on the theory, that you, being their father, your children were entitled to recognition as Choctaws? A Yes,sir, he was on the Indian Police for nine years; I heard him say so yesterday.

Q They didn't have anyone on the Indian Police but Indians?

A No, sir.

Q Ans, as I under stand you, those that did not draw Leased District money were not here at the time the act for the payment of that money was passed, and under the act they could not draw the money, not being residints? A They could not receive the payment, but did not affect their property right.

The deposition of Joel Everidge, taken at the residence of Joel Everidge, about nine miles east of the town of Grant, in the Central District of the Indian Territory, between the hours of eight o'clock in the forenoon and six o'clock in the afternoon, on the 8th day of January, A. D. 1901, to be used as evidence in behalf of the above named applicants, and all the descendants of William Buckholts, John Null and R. T. Jones, and in behalf of all parties having married any of such descendants, pending before the Commission to the Five Civilized tribes.

JOEL EVERIDGE, after being duly sworn, deposes and says:

" I am 72 years old, a citizen of the Choctaw Nation by blood, and a resident of Kiamitia County, Choctaw Nation. I am one of the Supreme Judges of the Choctaw Nation. I was first elected to the office in the year 1868, and have served in that capacity every year since that year, with the exception of four years, during which time Judge J. R. Turnbull served. I was on the bench, when the application for citizenship in this Nation was presented by William Buckholts, R. T. Jones and John Null. The court took up the case and examined the witnesses thoroughly; the witnesses were all Choctaws by blood and perfectly reliable. The court, being satisfied that Mr. Buckholts was a Choctaw by blood, and that R. T. Jones was entitled to inter-married rights, by virtue of his marriage to William Buckholts, and that John Null was entitled to inter-married rights, by virtue of his marriage to a sister of the said William Buckholts, rendered a decision in their favor, naming only the heads of families. This was the first case of this kind ever passed on by the court. At that time it was not considered necessary that the children should be named. I remember that William Buckholts asked if it was necessary to name the children and the Chief Justice, I. L. Garvin, informed him that if the parents were Choctaws, the children certainly were Choctaws. This case was decided under authority conferred on the court by an act of the General Council , passed in 1878. previous to that act there was no law of the Choctaw Nation, requiring persons to prove up their citizenship. Citizenship at that day and time was not considered as being of the value that was placed on it in after years, and at the present time. Even to this day, there is no law specifically requiring the children to be named, but the practice of late years, by the Citizenship Committees of the council has been to have them named, owing to the great number of applicants,

for its information.

JOEL EVERIDGE.

United States of America,
Indian Territory.

I William Beadles, a Notary Public, within and for the Central District of the Indian territory, do hereby certify that the foregoing deposition of Joel Everidge was taken before me, and was read to and subscribed by him in my presence, at the time and place and in the action mentioned in the caption. The said Joel Everidge having been first sworn by me, that the evidence he should give in the matter should be the truth, the whole truth and nothing but the truth; I further certify that his statement s were first reduced to writing in his presence, the applicants not being present in person, and being represented by A. Telle, one of their attorneys and the Choctaw and Chickasaw Nations not being represented by their attorney, although properly served with a notice as evidenced by the return hereto attached.

Given under my hand and official seal, at the above-named place, within the Central District of the Indian territory, this the 8th day of January, A. D. 1901.

Wm. Beadles,

(Seal) Notary Public.

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of
James M. Buckholts et al., to be enrolled
as a member of the Choctaw Nation. Notice to take depositions.

To Mansfield, McMurray and Cornish, Attorneys for the Choctaw and Chickasaw Nations:

You are hereby notified that the applicants, James M. Buckholts, et al., will take the deposition of Judge Joel Everidge/ about eight miles nearly east of Grant, in the Central District of the Indian Territory, between the hours of nine o'c clock in the forenoon and six o'clock in the afternoon, on the eighth day of January, A. D. 1901, the said deposition, when taken to be used before the Commission to the Five Civilized Tribes, by the said applicants, in their applications to be enrolled as members of the Choctaw Nation, and to be used in behalf of all of the descendants of William Buckholts, R. T. Jones, and John Hull, and in behalf of all persons clai ing to be enrolled as inter-married citizens, who have married any of said descendants. And if the taking of said depositions, be not completed on said day, the taking thereof will be continued from day to day, at the same place and between the same hours, until completed.

J. G. RALLS.
TELLE & CHAMBERS,
Attorneys for Applicants.

United States of America,
Indian Territory, SS
Central District.

I, Jasper P. Grady, United States Marshall for the Central District of the Indian Territory do hereby certify that I received

the foregoing notice, at the hour of 9:30 o'clock, A. M. on the 24th day of December, 1900 , and that I served the same at the hour of 4:20 o'clock P. M. , in the town of South McAlester, in said District and Territoty, by delivering a true copy thereof to Melvin Cornish, a member of the law firm of Mansfield, McMurtry & Cornish.

Witness my hand, this 24th day of December, 1900.

J. P GRADY,

U. S. Marshall, as aforesaid

By Robert Fortune, Deputy.

Fee for serving, 50 cents.
Paid by J. G. Ralls,
J. P. Grady,
U. S. Marshall.

United States of America,

Indian Territory,

Central District.

I, Wm. BEADLES, a Notary Public, within and for the Central District of the Indian Territory, with office at Grant, I. T. do hereby certify that the above and foregoing is a true and correct copy of the deposition of Joel Everidge, taken before me on the 8th day of January, A. D. 1901, and that the copy of the notice thereto attached is a true and correct copy of the original notice attached to said deposition.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal as such Notary Public aforesaid, at Grant, in said District and Territory, this 9th day of February, A. D. 1901.

(Signed) Wm. Beadles.

Notary Public aforesaid.

United States of America,
Indian Territory,
Central District.

I W. S. Garner, a Notary Public, duly appointed, commissioned and acting, within and for the Central District of the Indian Territory, with my office at Atoka, do hereby certify that the above is a true and correct copy of the original evidence, taken before the Commission to the Five Civilized Tribes, with the deposition taken before William Beadles, a Notary public, in the matter of the application of James M. Buckholts et al, to be enrolled as members of the Choctaw Tribe of Indians.

I further certify that I have no interest in the prosecution of this claim, and that I am not related to any of the parties in this action, and that I make this certificate from an examination of one of the copies of the evidence taken by the Commission and furnished J. G. Ralls, as attorney for the applicants in this action.

WITNESS my hand and official seal at Atoka, on this the 29th day of March, A. D., 1902.

W. S. Garner
Notary Public, Central District,
Indian Territory.

588

Wm H Woodward

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
APR 14 1902

ACTING CHAIRMAN.

598
7-D-498.

Department of the Interior,
Commission to the Five Civilized Tribes.
Atoka, Indian Territory,
March 12, 1903.

In the matterof the application of Annie Palmer Marshall for enrollment as an intermarried citizen of the Choctaw Nation.

Annie Palmer Marshall being duly sworn testifies as follows

Examination by the Commission.

Q What is your name? A Annie Palmer Marshall.
Q How old are you? A Twenty-three.
Q What is your post office address? A Coalgate.
Q That is in the ChoctawNation? A Yes sir.
Q How long have you resided in the Choctaw Nation? A Been here about 13 years.
Q Have you lived here continuously for the past 13 years? A Yes sir.
Q Never made your home anywhere else during that time? A No sir.
Q Are you a white woman? A Yes sir.
Q Do you claim the right to enrollment as an intermarried citizen of the Choctaw Nation? A Yes sir.
Q What is the name of your Choctaw husband through whom you claim this right? A William H. Marshall.
Q Is he a recognized and enrolled citizen by blood of the Choctaw Nation? A Yes sir.
Q When were you married to this man? A In 1899.
Q Where was this marriage ceremony performed? A Round Hill church house.
Q Where is that located? A In the country where we live at, in the Choctaw Nation near Coalgate, about five miles from Coalgate.
Q At the time of this marriage were both you and your husband living in the Choctaw Nation? A Yes sir.
Q Who performed the marriage ceremony? A Parson Davis.
Q Did you have a marriage license? A Yes sir.
Q Was it a United States or tribal license? A United States license.
Q Have you your license and certificate? A I have a certificate with me (Presents paper)

There is offered in evidence marked "Exhibit A", and made a part of the recordin this case marriage certificate issued by S. A. Davis, M. G., to W. H. Marshall and Miss Annie Palmer on the 20th day of July, 1899.

Q Are you and your husband the identical persons mentioned in this marriage certificate as W. H. Marshall and Annie Palmer? A Yes sir.
Q Were you ever married before your marriage to William H. Marshall? A No sir.

Q Was he ever married before his marriage to you? A No sir.
Q Since your marriage have you lived together continuously as husband and wife up to the present time? A Yes sir.
Q There has been no separation of any kind whatsoever? A No sir.
Q You are at present living together as actual and bona fide residents of the Choctaw Nation? A Yes sir.

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at Atoka, Indian Territory, on the 12th day of March, 1903, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

W H Martin

Subscribed and sworn to before me this 30 day of March, 1903.

Charles N. Haskell

Notary Public.

"Ex A."

1-20-598.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAR 14 1903

United States of America
Indian Territory
Central District

To whom it may Concern

This is to certify that I. S. A. Davis a Minister of The Gospel did at Round Hill Church in Said Central District Solemnize the rite and publish the Bans of Matrimony between Mr. W. H. Marshall and Miss Annie Calmer of Coalgate, I.T. on the 18 Th. day of July 1888

Witness my hand and Seal This the 20 Th day of July 1888

S. A. Davis.
M. G.

{L.S.}

N.F.
Ctd
7-D-598.

DEPARTMENT OF THE INTERIOR?
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of William Henry Marshall and his minor son, William Henry Marshall, Jr., as citizens by blood, and for the enrollment of his wife, Annie palmer Marshall, as a citizen by intermarriage, of the Choctaw Nation.

--: D E C I S I O N :--

It appears from the record herein that on December 10, 1900 William Henry Marshall appeared before the Commission and made personal application for the enrollment of himself and his minor child, William Henry Marshall, Jr., as citizens by blood, and for the enrollment of his wife, Annie palmer Marshall, as a citizen by intermarriage, of the Choctaw Nation. Further proceedings were had in this case at Atoka, Indian Territory on March 12, 1903.

It further appears from the record herein and the census card record in this case that the principal applicant, William Henry Marshall, is a son of Henry Marshall, a recognized and enrolled citizen by blood of the Choctaw Nation, whose name appears as number 12273 upon the lists prepared by this Commission under the act of Congress approved July 1, 1902 (32 Stat., 641), of persons entitled to enrollment as citizens by blood of the Choctaw Nation and approved by the Secretary of the Interior on March 6, 1903, and Nancy Marshall, a white woman having no rights of Choctaw citizenship by blood; that said Henry Marshall was admitted to citizenship in the Choctaw Nation by an act of the General Council of the Choctaw Nation approved November 4, 1886; that the name of the principal applicant, William Henry Marshall, does not appear in said act of admission, although he was living at the time having been born in the year 1872, and that the said William Henry Marshall claims rights for himself and the minor applicant, William Henry Marshall, Jr., as citizens by blood of the Choctaw Nation by virtue of the said admission of the said Henry Marshall to citizenship in the Choctaw Nation by said act of the General Council of said nation and of the subsequent recognition of said Henry Marshall and his descendants as citizens of the Choctaw Nation by the tribal authorities of said nation.

Upon an examination of the tribal rolls in the possession of the Commission the principal applicant, William Henry Marshall, is identified upon the 1893 Choctaw Leased District payment Roll, Atoka County, page 74, number 771 and upon the 1896 Choctaw Census Roll, Atoka County, number 8816, enrolled on said rolls as a citizen by blood of said nation. The minor applicant, William Henry Marshall, Jr., having been born subsequent to the preparation of said 1896 Choctaw Census Roll, is identified by proper proof of birth filed with and made a part of the record herein.

It further appears from the record herein that on July 19, 1899 the applicant, Annie Palmer Marshall, was lawfully married to the principal applicant, William Henry Marshall; that at the time of said marriage both persons above mentioned were residents in good faith of the Choctaw Nation and that they lived together continuously as husband and wife in said nation from the date of said marriage up to and including September 25, 1902.

It further appears from the record herein that the principal applicant, William Henry Marshall, has resided continuously in the Choctaw Nation from about 1877 up to and including September 25, 1902.

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of James M. Buckholts, et al. (I.T.D. 8490-1903), William Henry Marshall and William Henry Marshall, Jr. should be enrolled as citizens by blood of the Choctaw Nation and that Annie Palmer Marshall should be enrolled as a citizen by intermarriage of said nation in accordance with the provisions of the acts of Congress approved June 28, 1898 (30 Stat., 495) and July 1, 1902 (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

NOV 3 1904

Choctaw 2 598

COPY

Muskogee, Indian Territory, November 3, 1904.

William Henry Marshall,

Coalgate, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered November 3, 1904, granting the application for the enrollment of yourself and minor son, William Henry Marshall Jr., as citizens by blood, and of your wife, Annie Palmer Marshall, as a citizen by intermarriage, of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling you as citizens of the Choctaw Nation. If at the expiration of that time no protest has been filed, your names will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

Tams Bixby

Chairman.

Registered.

Incl. 7-B-508.

COPY. Choctaw D 358

Muskogee, Indian Territory, November 3, 1904.

S. S. Eagle,
Attorney at Law,
Ataka, Indian Territory.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on November 3, 1904, rendered its decision granting the application for the enrollment of William Henry Marshall and William Henry Marshall Jr., as citizens by blood, and of Annie Palmer Marshall as a citizen by intermarriage, of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicants as citizens of the Choctaw Nation. If at the expiration of that time no protest has been filed, their names will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

James Dunn

Chairman.

Registered.

Choctaw D 698

COPY

Muskogee, Indian Territory, November 3, 1904.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission, rendered November 3, 1904, granting the application for the enrollment of William Henry Marshall and William Henry Marshall Jr., as citizens by blood, and of Annie Palmer Marshall, as a citizen by intermarriage, of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicants as citizens of the Choctaw Nation. If at the expiration of said time no protest has been filed, their names will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

Tams Bixby

Chairman.

Registered.

Incl. 7-D-698.

See Choctaw 4510 for registry receipt for this letter.

CHOCTAW. 80 INDEXED

IN RE
Application for Enrollment of
INFANT CHILD
William Henry Marshall
as a citizen of
Choctaw Nation.

Approved OCT 5 1904 190

Commissioner.

Proof of birth of child for whose enrollment application was made Dec 10, 1900

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT 5 1904

Chairman.

CHOCTAW.
D 598

SMITH AFFIDAVIT. 20

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,
of William Henry Marshall Jr. (Here insert name of child) born on the 17th day of May, 1900.
Name of Father: William H. Marshall a citizen of the Choctaw Nation.
Name of Mother: Annie Marshall a citizen of the Choctaw by intermarriage Nation.
Postoffice Coalgate Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Central DISTRICT.

I, Annie Marshall, on oath state that I am 23 years of age and a citizen, by intermarriage, of the Choctaw Nation; that I am the lawful wife of William H Marshall, who is a citizen, by blood, of the Choctaw Nation; that a male (Male or Female.) child was born to me on the 17th day of May 1900 ; that said child has been named William Henry Marshall and is now living.

Annie Marshall

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 1st day of October 1904.

C G Bozarth
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Central DISTRICT.

I, Cynthia Ward, a mid-wife, on oath state that I attended on Mrs. Annie Marshall, wife of Willian H Marshall on the 17th day of May, 1900; that there was born to her on said date a Male (Male or Female.) child; that said child is now living and is said to have been named William Henry Marshall.

her
Cynthia X Ward
mark

WITNESSES TO MARK:

(Must be Two Witnesses.) C G Bozarth
Virgil Hicks

Subscribed and sworn to before me this 1st day of October 1904.

C G Bozarth
Notary Public.

Muskogee, Indian Territory, January 22, 1901.

William H. Marshall,

Coalgate, Indian Territory.

Dear Sir:

At the time of your appearance before the Commission at Atoka, Indian Territory on December 11th, 1900, in the matter of the application for the enrollment of yourself, your wife and your child, the Commission omitted to obtain the age of your wife and the names of her parents.

You are therefore requested to furnish the Commission with the following information: The age of your wife, her maiden name, the name of her mother, the name of her father and whether or not her father and mother are living. Your prompt attention to this matter is requested.

Yours truly,

Acting Chairman.

7-D-598

Muskogee, Indian Territory, February 7, 1901.

W. H. Marshall,

Atoka, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the 4th instant, giving the age of your wife and the names of her parents.

Your letter has been duly filed with the records of this Commission and the information contained therein has been made matter of record.

Yours truly,

Acting Chairman.

7-D-698

Choctaw D 598

Muskogee, Indian Territory, July 26, 1902.

E. F. Marlow,

Lehigh, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 23rd instant, in which you desire to be informed if Willie Marshall, a son of Henry Marshall is on the Choctaw roll as a citizen by blood of the Choctaw Nation.

Replying to your communication you are advised that it appears from our records that William H. Marshall, 28 years of age of Coalgate, Indian Territory, is an applicant to this Commission for the enrollment of himself and his minor child William Henry Marshall, Jr., as citizens by blood of the Choctaw nation and for the enrollment of his wife, Annie Palmer, as a citizen by intermarriage of the Choctaw Nation.

No decision has as yet been rendered by the Commission relative to the final right to enrollment of these persons as citizens of the Choctaw Nation but when such decision is rendered, Mr. Marshall will be duly advised thereof and of the forwarding of the record in the case to the Secretary of the Interior for his review.

Yours truly,

Choctaw-D-838.

Muskogee, Indian Territory, February 24, 1903.

Annie Palmer Marshall,

Atoka, Indian Territory.

Dear Madam:

It is the present intention of the Commission to establish land offices in the Choctaw and Chickasaw Nations April 1, 1903. The Act of Congress approved July 1, 1902, provides:

> "No person whose name does not appear upon the rolls as herein provided shall be entitled in any manner to participate in the distribution of the common property of the Choctaw and Chickasaw tribes."

It will be necessary, before your right to enrollment as an intermarried citizen of the Choctaw Nation can be determined, that you appear before the Commission and testify as to your status on September 25, 1902.

For this purpose the Commission has made an appointment at Atoka, Indian Territory, March 10 to 13, 1903, And you should personally appear at said place on one of the above dates for the purpose herein indicated. No further action can be taken relative to the determination of your right to enrollment until this testimony is received.

Respectfully,

Chairman.

7D 598

Joseph G. Ralls,
Attorney and Counselor,
Atoka, Ind. Ter.

July 15th, 1908.

Nancy Marshall, Intermarried Choctaw,
Robert L. Marshall, et al., Citizens by blood,
Anna Palmer Marshall, intermarried Choctaw.
William H. Marshall, et al., Choctaws by blood.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

Referring to our correspondence with regard to the cases of the above-named parties, I beg to say that Henry Marshall, whose enrolment has been approved, is the father of William H. and Robert L. Marshall, and the husband of Nancy. Anna Palmer Marshall is the wife of Robert L. and the evidence shows in these cases, that Nancy Marshall is on the Choctaw Census Roll as an intermarried citizen; that her sons, William H. and Robert L. are also on the Choctaw Census Roll, but as Choctaws by blood. A copy of the evidence taken in the James M. Buckholts' case has been filed in this cause, in behalf of the descendants of Henry Marshall, as the same question is involved, Henry Marshall having been admitted

by the Choctaw Council, but nothing being said about his wife or children. We have proved by the evidence that x it was the custom, in admitting persons to citizenship, to name the heads of families only; in later years sometimes all the family is mentioned, and sometimes only the heads. It is our contention that these children being minors the admission of Henry Marshall would ipso facto admit them, and, further, that all their names having been placed on the Choctaw Census Roll by the Choctaws, and no steps having been taken to remove their names therefrom, their enrollment has been practically affirmed by the Congress of June 7, 1897.

Very respectfully,

(Signed) J.S. Mills.

[illegible]

Muskogee, Indian Territory, July 20, 1903.

J. G. Ralls,

Attorney At Law,

Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of July 16, relative to the right to enrollment as citizens of the Choctaw Nation of Nancy Marshall, Robert L. Marshall, et al., Anna Palmer Marshall and William H. Marshall, et al.

The information contained therein has been made a matter of record in these cases.

Respectfully,

Commissioner in Charge.

T.B 598

Muskogee, Indian Territory, October 19, 1903.

J. G. Ralls,
Attorney at Law,
Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of October 14, in which you ask if judgment has been prepared in the case of William H. Marshall, a Choctaw by blood and the son of Henry Marshall, whose enrollment has been approved by the Secretary of the Interior, and Nancy Marshall an intermarried Choctaw whose case is perhaps still pending before this Commission.

In reply to your letter, you are informed that the Commission has not yet passed upon the application for the enrollment as citizens of the Choctaw Nation of William H. Marshall, his wife, Annie Palmer Marshall, and their son, William Henry Marshall, Jr. As soon as a decision is reached in this case the applicants will be notified of the action of the Commission.

You are informed that the Commission is passing upon the applications of persons for enrollment as citizens of the Choctaw

Nation as expeditiously as possible, but it is impracticable at this time to say when this case will be reached for consideration and determination.

Respectfully,

Commissioner in Charge.

7-D 928

Muskogee, Indian Territory, December 2, 1903.

Christ Hollberger,

Phillips, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of November 26, in which you ask if William H. Marshall has a right as a citizen of the Choctaw Nation.

In reply to your letter you are informed that the Commission has not yet passed upon the application of William H. Marshall for the enrollment of himself and his family as citizens of the Choctaw Nation. As soon as a decision is reached in this case you will be notified.

Respectfully,

Chairman.

Choctaw D 598

Muskogee, Indian Territory, May 12, 1904.

Christ Sollberger,

Phillips, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of May 6, asking to be informed the date on which William H. Marshall filed his application to become a citizen of the Choctaw Nation as you need this date to prove a certain fact.

In reply to your letter you are advised that it appears from our records that William H. Marshall made application to the Commission at Atoka, Indian Territory, December 10, 1900, for enrollment as a citizen of the Choctaw Nation.

Respectfully,

Chairman.

7-D-598.

Muskogee, Indian Territory, September 23, 1904.

William M. Marshall,

Coalgate, Indian Territory.

Dear Sir:-

In the matter of the application for the enrollment of your son, William Henry Marshall, Jr., as a citizen by blood of the Choctaw Nation, it will be necessary, before the rights of said child as such citizen can be determined, for you to furnish properly verified affidavits as to the birth of said child. For this purpose there is enclosed you herewith a blank for proof of birth of infant children.

In having the same executed be careful to see that all blank spaces are properly filled, all names written in full and that the notary public, before whom the affidavits are acknowledged, attaches his name and seal to each affidavit. In case any signature is by mark it must be attested by two disinterested parties witnesses thereto.

Please give this matter your immediate attention.

Respectfully,

B. C.

Enc.

Chairman.

Choctaw 4401
Choctaw 6866

Muskogee, Indian Territory, March 8,1905.

Commission to the Five Civilized Tribes,

Creek Enrollment Division,

General Office,

Gentlemen:

There are inclosed herewith original and one copy of the testimony of Henry Marshall and William H. Marshall, of February 16, 1905, in the matter of the enrollment of Henry Marshall, et al. as citizens of the Creek Nation.

It appears from the records of the Choctaw-Chickasaw Division that Henry Marshall and his sons, William Henry Marshall and Robert L. Marshall have been enrolled as citizens by blood of the Choctaw Nation and their enrollment as such has been approved by the Secretary of the Interior.

It is hereby agreed that Henry Marshall for himself and his son Robert L. Marshall, and William H. Marshall for himself, have relinquished all right, title and interest in and to the lands of the Creek Nation.

Respectfully,

AB 5-8

Choc 5867 mollie Baker

Trans from Choc 4856 and 26/304

583

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T. August 26, 1901.

In the matter of the application for the enrollment of Mollie Baker as a citizen by intermarriage of the Choctaw Nation and for the enrollment of her child, Ella Baker, as a citizen by blood of the Choctaw Nation.

Applicants represented by John London.

Mollie Baker being first duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Mollie Baker.
Q How old are you? A I am 30
Q Where do you live? A I live at How.
Q Where is that? A Its on the Choctaw road.
Q In the Indian Territory? AYes sir.
Q How long have you lived in the Choctaw Nation? A I been living here about 11 years.
Q Have you lived here continously for the past 11 years? A Well seven years you might say; here at Wanshawe, and at -- on the Arkansas river there -- I forget the name of the place on this side.
Q You lived in the India Territory in the Choctaw Nation for the past 11 years have you? A Yes sir.
Q What is your father's name? A Jim Tubbs.
QIs he living? A No sir; he's dead.
Q What is your mother's name? A Her name was Scott Tubbs.
Q Is your mother living? A Yes sir; she's living; but I dont know nothing about my mother; she married another man and went to Missouri and my grandfather and grandmother raised me.
Q Your mother and father were both white people? A Yes sir.
Q Did either of them ever make any claim to Indian citizenship by blood? A My father did -- was a Cherokee but he never tried to prove up his right.
Q Are you possessor of any Cherokee Indian blood? A Yes sir on the Tubbs side.
Q Did your father ever live in the Cherokee Nation? A No sir; he was raised in Arkansas whose to Prescott .
Q Did you ever endeavor to obtain any rights as a citizen of the Cherokee Nation? A No sir.
Q How much Cherokee blood are you possessed of? A I cant tell you that; I just knew that some of my connection on the Tubbs side were Cherokees.
Q You propose to make application for enrollment as a citizen by intermarriage of the Choctaw Nation? A Yes sir.
Q What is your Choctaw husband's name? A Billie Butler.
Q Is he living? A No sir he's dead.
Q What County in the Choctaw Nation did he belong to? A Well I dont know what county it was.
Q When did he die? A He died in 1900 I believe.
Q How long has he been dead? A He's been dead going on three years.
Q Where did he die? A He died at LeFlore.
Q How old a man was he when he died? A Well he was getting up in years I dont exactly know how old; he had grown children.

Upon the 1896 census roll of the citizens of the

of the Choctaw Nation page 20 number 768, appears the name of Billie Baker, 74 years of age and a resident of Sugar Leaf County Choctaw Nation. There is a notation opposite his name, dead, he having died between the preparation of the census roll by the Choctaw Tribal authorities and the time of the hearing of applications for enrollment as citizens of the Choctaw Nation by the Commission to the Five Civilized Tribes.

Q When did you marry Billie Baker? A I married him now about five years.
Q How were you married to him? A Under the Choctaw law.
Q Who married you? A His son; Thompson Baker.
Q Where were you married? A At Fanshawe.
Q Have you got any marriage certificate? A No sir; I never had any.
Q Was anybody present when you were married? A Yes sir; there was several present.
Q Have you any witnesses here in person that could testify to the fact of your having married Billie Baker? A Not here; I hav'nt.
Q Where are the witnesses? A Some of them at Fanshawe, and some -- I dont know where they are.
Q What are their names? A Evans is one.
Q How many people were present when you was married? A There was three.
Q What were their names? A One of them was Hubbs.
Q What is his full name? A I dont know what her full name is; Mrs Hubbs. And there was a citizen of the nation that was present when we was married.
Q What ishis name? A Their names was--I cant speak his name; it was an awkward bame to me and half my time I could'nt speak the citizens names.
Q You say you dont know the date of this marriage? A No sir.
Q Was you ever married to any citizen of the Choctaw Nation before that time? A No sir I neverwas.
Q Have you ever been married before it to anyone? A Yes I married a white man before .
Q What was his name? A Winton.
Q Where did you marry him? A Poke County, Arkansas.
Q When? A About 12 years ago.
Q Is he dead? AYes sir.
Q When did he die? A He died about ten years ago..
Q He was dead when you married Billie Baker? A Yes he was dead. He died there at Fanshawe.
Q Had Billie Baker ever been married when you married him? A He said he had; he had children; course I never seen him married before;II just got his word for it; he seemed to be a truthful man.
Q Did you ever hear him say anything about his former wife? A O, I heard him talk about her; nothing particular about her.
Q What was her name? A I dont know her name.
Q What did he say about her? A I never paid attention enough to him to pay any attention to what he said only while he was talking; still he never said any harm of this other wife nor nothing bad; of course he would talk as man and wife would about those things.
Q When you married him was his former wife dead? A No sir; she had quit him; she and he had parted.
Q Were they divorced?A Well yes sir; I think he was.

Q Have you got any evidence of the divorce? A Well I have heard them say he had a divorce and heard him say he had a divorce.
Q Have you got any evidence of the fact that he was divorced from his former wife? AI think I could get evidence; of course I dont know certain that I could.
Q Was his first wife a citizen by blood? A Yes sir.
Q Do you know whether she's ever married since their separation? A I dont know of course; I never seen his other wife; I never did see her; I had her children; about raised them till he sent them off to school.
Q What was his children's names? A Annie and Sillie and Oscar Baker.
Q About how old is Annie? A Annie was to the best of my knowledge about 11 years old.
Q How old is Sillie? A She' was about ten.
Q How old is Oscar? A I dont know; I dont have any idea.
Q Was he grown? A Yes sir; he was just about grown.

An examination of the records of the Commission developes the fact that Lucy Jones, 36 years of age a full blood Choctaw Indian who is now the wife of Martenon Jones is nw living andwas formerly the wife of Billy Baker, a Choctaw Indian by blood, and that at the time that she was listed for enrollment June 20, 1899 as a citizen by blood of the Choctaw Nation she had living with her two children by the said Billy Baker, Annie ,eight years of age and Sallie, nine years of age.

Q You state that you was never married to a Choctaw Indian until you married Billie Baker about three years ago? A No sir I never was.
Q You never made application to the Choctaw tribal authorities to be enrolled as a citizen of the Choctaw nation? A No sir.
Q Have you ever made application to this Commission to be enrolled as a citizen by intermarriage of the Choctaw nation prior to this time. A Yes sir I did down here at Wister.
Q When was that? A I went before the Commissioners -- I went down there and ---
Q When was that ; how long ago? A It's been about two years ago.
Q How many times did you go before the Commission when they were in the Choctaw Nation in 1899? A I just went before them at Red Oak; of course I was there at Wister when they was there but never got to talk to them.
Q What action was taken when you was at Red Oak? A They just asked me if I had proof of the marriage certificate and I told them I did'nt have the proof there and they told me I would have to get witnesses to prove that we was lawfully married, and they wanted me to get the one that married us but he was dead and I could'nt get him.
Q Was you sworn at that time? A Not there at the enrollment I was'nt not there I was'nt sworn. ; said it was at any use.
Q Now in addition to the application for the enrollment of yourself as a citizen by intermarriage of the Choctaw Nation you dont to apply for the enrollment of your child as a citizen by blood? A Yes sir.
Q You have only one child? A Yes sir; thats all.
Q What is its name? A Ella Baker.
Q How old is she? A She's going on three years old; she's three now.
Q Are you the mother of this child? A Yes sir.

Is Billie Baker its father? A Yes sir.
Q Now have you any affidavits or testimony of witnesses to the fact that this child Ella Baker is the child of Billie Baker, your deceased husband? A I dont know as I got that.
Q This child has always lived with you in the Choctaw Nation? A Yes sir.
Q Did you ever have any other children by Billie Baker? A No sir.
Q Did you ever have any other children by any other husband? A Yes three by my white man.
QWhere do they live? A They are living here where I come from at How; I left them at home.

Examination by John London, Attorney.

Q Billie Baker was never divorced from you was he? ANo sir
Q Never had any papers served on you about a divorce? A No sir.
Q You lived together continously from the time you married him until his death? A No sir; we was parted a while and he would stay with the children a while and we lived together back and forth.
Q How long was the longest he was ever away from you? A About a month.
Q Was he an old man? A Yes sir.
Q You never had any notice that he was go ing to get a divorce? A No sir.

Examination by the Commission:

Q Were you divorced from him before he died? A No sir; If I was I did'nt know it- honest if he ever applied for a divorce I did'nt know it.
Q Have you any reason to believe he did? A No sir; I hav'nt got any reason to believe it. We never was apart over a month during the time we was living together. Of course he was getting old and childish and he would take his little mad spells and go to his son Thomas'.
Q Did you live with him continously from the time you married him up until his death? A No sir; we was apart like I spoke of- once in a while we would part -- stay apart maybe a month; never did stay over a month apart. He was getting old and childish and he would take childish spells and want to stay with his son and of course he would get a little mad and fly off to his son Thomas'.
Q Did you ever hear of his living with another woman during that time? A No sir.
Q Did you ever know a woman named Lucy Jones? ANo sir.
Q Ever hear of her? A No sir; never heard of her.
Q Who did Annie and Sillie Baker live with? A Well sir; they are at school but to tell who they are staying with I cant -- at the Choctaw school; I was talking to Oscar and asked if I could'nt get the children and he said no sir; they was in school.

Examination by John London, Attorney.

QYou never left Billie Baker? A No sir I never did.
Q Was you kind to him? A Yes sir.
Q Did 'at give him any cause to leave you? A No sir but its just as his son said; his father often took pettish spells ----.

The attorney for the applicant offers in evidence, marked exibit A, filed and made part of the record in this application the petition of Mellie Baker, and the affidavit of Noel Folsom, the affidavit of Sallie Evans

the affidavit of Jimmie Watts, the affidavit of Mattie Hubbs, the affidavit of I. B. Sprinkel.

Permission is granted the attorney for the applicant to file affidavits tending to show that the child Ella Baker is the legitimate child of Billy Baker, deceased and the applicant Mollie Baker.

Q Who is this Sallie Evans that makes affidavit? A She is a white woman.
Q Where does she live? A At Fanshawe; she did when I was married; I was married at her house.
Q Have you ever married since Billie Baker died? A No sir I hav'nt never married since he died..

The applicant in this case claims her right to enrollment as a citizen by intermarriage of the Choctaw Nation. In her testimony she states that she is possessed of Cherokee blood and her appearance would indicate that there is a prominent admixture of Indian blood in her veins.

Clara Mitchell Wood being duly sworn states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 24th day of August 1901 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this the 30th day of August 1901.

Commissioner.

Refer to reply to the following:
Land.
30,114-1900.

Department of the Interior

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, June 27,1900.

Messrs. Frederick and London,

Wister,

Indian Territory.

Gentlemen:

I am directed by the Honorable Secretary of the Interior to return to you the papers which you filed with the application of Mollie Baker for enrollment as a Choctaw Indian, and to invite your attention to the Act of May 31, 1900, an act making appropriations for the current and contingent expenses of the Indian Department, etc., and particularly to that portion which provides that the commission to the Five Civilized Tribes "shall not receive, consider or make any record of any application of any person for enrollment as a member of any tribe in the Indian Territory who has not been a recognized citizen thereof and duly and lawfully enrolled or admitted as such, and its refusal of such application shall be final when approved by the Secretary of the Interior", and to instruct you that your proper course would seem to be to consult the commission in regard to the matter of again appearing before it, especially as to whether it demands Mollie Baker's presence again in order to carry out departmental telegraphic instructions of June

9, 1900, which are as follows:

"The commission should make a memoranda of the facts and its reason for refusing to consider or make a record of the application of any person for enrollment. Its investigation should extend to all facts necessary to a complete knowledge of the applicant's claim. Provision referred to does not enlarge the authority of the commission heretofore conferred on it by law except as to Mississippi Choctaws".

The suggestion is made by the Department that if the commission demands the presence of Millie Baker she must appear. You will of course take such action in the premises as you may deem proper.

Very respectfully,

Commissioner.

(W.C.V.)

P.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, April 15, 1902.

In the matter of the application of Nellie Baker for the enrollment of herself as a citizen by intermarriage of the Choctaw Nation and for the enrollment of her minor child, Ella Baker as a citizen by blood of the Choctaw Nation.	D-656.

On the 5th day of March, 1902, the principal applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were also notified by registered mail that the application of Nellie Baker for the enrollment of herself and her minor child as citizens of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 15th day of April, 1902, for final consideration.

Now on this 15th day of April, 1902, this cause coming on to be heard, pursuant to said notice, the Choctaw Nation failed to appear, and the applicants appear by their attorney, John London, of Cameron, Indian Territory, and submit this cause upon the evidence and record as now on file with the Commission.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on April 15, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of April, 1902.

Hal Belford

Subscribed and sworn to before me this 18 day of April, 1902.

Clarence Whitehead

7-D-656.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory June 11, 1904.

In the matter of the application of Mollie Baker for enrollment as a citizen by intermarriage of the Choctaw Nation and for the enrollment of Ella Baker as a citizen by blood of the Choctaw Nation.

Mollie Baker being first duly sworn testifies as follows:

Examination by the Commission:

Q What is your name? A Mollie Baker.
Q What is your post office address? A Hartshorne.
Q Are you a white woman? A Yes, sir.
Q You don't claim any rights at all as an Indian by blood? A No, sir.
Q You claim now only as a citizen by intermarriage of the Choctaw Nation? A Yes, sir.
Q Through whom do you claim? A Baker.
Q What is his first name? A Billy Baker.
Q Was he a Choctaw? A Yes, sir.
Q How much blood did he have? A I don't know.
Q Very near a full blood? A Yes, sir.
Q When were you married to him? A About six years ago.
Q Your husband has been dead six years hasn't he? A Yes, sir.
Q You must have been married about nine years ago? A I couldn't tell you just when.
Q Did you have a marriage license when you were married? A No, sir.
Q When were you married? - where were you married? A Fanshaw Choctaw Nation.
Q Where were you living at the time of your marriage? A At Fanshaw.
Q Where was he living? A Leflore, Choctaw Nation.
Q How long had he been living there do you know? A No, sir.
Q Some time? A Yes, sir.
Q By whom were you married? A Thompson Baker.
Q Who was he? A His son.
Q Was he a preacher? A Yes, sir.
Q Minister of the Gospel? A Yes, sir.
Q After you and he were married did you live together as husband and wife? A Yes, sir.
Q How long did you live as husband and wife? A We lived together nearly two years.
Q What took place then, did he leave you? A No, sir, I left him.
Q Why did you leave him? A Couldn't agree on account of his children, but we were together when he died, I went and hoped take care of him.
Q When did he die? A I can't tell exactly when he died.

Q It says here in your papers filed heretofore that he died June 8, 1898 is that right? A Yes, sir.
Q How long were you away from him when you separated? A The longest time was about a month.
Q Was that all? A Yes, sir, we were together nearly all the time.
Q You were married before your marriage to Baker were you? A Yes, sir.
Q How many times? A Once.
Q To whom were you married before that? A Wenton.
Q Was he married at the time you were married to Billy Baker? A Yes, sir.
Q Was Billy Baker married before he was married to you? A Yes, sir.
Q How many times? A I don't know how many times, once or twice I won't say which.
Q Did he have a wife living at the time you were married to him ? A Yes, sir.
Q What was her name? A I don't know her name I never did see her and really never knew he had a living wife until after we were married, I think he was divorced from her.
Q Billy Baker had some children didn't he? A Yes, sir, three.
Q What are their names? A Billie, Annie and Oscar.
Q Who was the mother of those children? A I don't know who was the mother, can't tell you, they wasn't mine, he had them before we were married.
Q Were the children living with you? A Yes, sir, until he died.
Q And you didn't know their mother's name? A No, sir, he wouldn't talk about her at all, he said she wasn't worthy and he wouldn't talk about her at all, not knowing I can't say.
Q Have you any children by Billy Baker? A Yes, sir, this one) (pointing to child in her lap).
Q What is her name? A Ella.
Q When was she born? A In May.
Q What year? A I don't know.
Q Was Billy Baker alive when this child was born? A Yes, sir.
Q How long did he live after your child was born? A About two months.
Q Then this child was born in May 1898? A Yes, sir.
Q Where has this child been living all the time? A In the Choctaw Nation.
Q No where else? A No, sir, no where else only here in the Choctaw Nation.
Q From the death of Billy Baker in June 1898 up to and including September 25, 1902 did you remarry? A No, sir.
Q How long had you been married to Billy Baker before this child was born? A Going on two years.
Q Don't you know how many wives Billy Baker had before he was married to you? A If he ever had more than two I don't know.
Q Who was the first one? A Thompson's mother,but I don't know her name, Ann something.
Q He had one wife that was the mother of Thompson Baker? A Yes, sir, he only had one child by her.
Q And she was dead at the time you were married to Billy Baker? A Yes, sir.

7- D-656---3

Q. Isn't it a fact that the mother of her 3 living children is called Lucy Tobest? A. I think that is what they call her.
Q.

The child Ellen Baker is present and evidently has with the characteristic fe features of a Choctaw Indian.

Witness excused.

----o----

Chas. T. Difendafer being first duly sworn states that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Chas. T. Difendafer

Subscribed and sworn to before me this 13th day of June 1904.

Charles N. Lawyer
Notary Public.

FOB
240

7-D-656.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Mollie Baker as a citizen by intermarriage of the Choctaw Nation and Ella Baker as a citizen by blood of the Choctaw Nation

---

D E C I S I O N.

It appears from the Census Card record in this case that Mollie Baker appeared before the Commission, August 24, 1901 and made personal application for the enrollment of herself as a citizen by intermarriage of the Choctaw Nation, and at the same time made application for the enrollment of her minor child, Ella Baker, as a citizen by blood, and proper proof of birth of said Ella Baker was filed March 25, 1902.

It further appears from the record herein that on September 21, 1895, the applicant, Mollie Baker, was lawfully married to Billy Baker, a recognized and enrolled citizen by blood of the Choctaw Nation, who is identified upon the 1893 Choctaw Leased District Payment Roll, Sugar Loaf County, number 34, also upon the 1896 Choctaw Census Roll, number 768; that at the time of said marriage both persons first above mentioned were residents in good faith of the Choctaw Nation, and lived together as husband and wife continuously from the date of their said marriage until the death of the said Billy Baker, June 8, 1898; and that the said applicant, Mollie Baker, had been a resident in good faith of the Choctaw Nation from the date of her said marriage to Billy Baker up to and including September 25, 1902.It further appears that the minor applicant, Ella Baker, the child of the said Billy Baker and Mollie Baker, was born May 22, 1898.

It is, therefore, the opinion of this Commission that Mollie Baker should be enrolled as a citizen by intermarriage of the Choctaw Nation, and Ella Baker should be enrolled as a citizen by blood of the Choctaw Nation, in accordance with the pro-

visions of the acts of Congress approved June 28, 1898 (30 Stat., 495) and July 1, 1902 (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

NOV 9 - 1904

Wapanolatubbee District
Choctaw Nation
A Proclamation of the Circuit Court
of the 1st Judicial District C. N.

To John Taylor
Circuit Clerk
Greeting:—

You are hereby commanded to give Public Notice as the Law requires of a Special Term of the Circuit Court of the District and Nation aforesaid to be begun and holden at the Circuit Court Grounds in Gaines County of said District Choctaw Nation, Commencing on Monday the 5th day of June 1893. And continue from day to day until all business of said Court either Civil or Criminal be disposed of herein said not as the Law requires at your peril.

Given under my hand this the 2d day of May 1893.

N. J. Nelson
Circuit Judge 1st
Judicial District C. N.

John Taylor
Circuit Clerk.

Moshulatubbee District
Choctaw Nation.
June Special Term
District Court. 1893.

Be it remembered that the Circuit Court of Moshulatubbee District Met at the Circuit Court Grounds in Gaines County, on Monday the 5th day of June 1893. it being the time and place designated for holding the Circuit Court of said District Hon. N. J. Nelson Circuit Judge presiding. D. C. Lewis District Attorney, John Taylor Circuit Clerk and John Perry Sheriff. All being present, Court was solemnly announced to be in session and was now ready for the dispatch of business.

The Court being duly organized had the following business to wit.

Friday Morning June the 6th 1893.

Cause No. 47. William Baker,
Vs. Divorce.
Lucen Baker,

The evidence in this case having been heard and carefully considered, the Court is of the opinion that the Plaintiff is the aggrieved party. Therefore it is ordered by the Court that the bonds of matrimony heretofore existing between the Plaintiff and Defendant be forever dissolved.

It is further ordered and decreed by the Court that the Plaintiff William Baker, have the care of the children, Oscar Baker, Annie Baker and Lillie Baker; and Defendant Lucen Baker pay $20.00 of accounts incurred by them previous to their separation.

Approved.

N. J. Nelson.
Presiding Judge.

Attest
John Taylor.
Circuit Clerk.
By. Jas. Culberson Dep't Clerk.

I hereby certify that the above and foregoing documents are true and correct copies of the Records in Cause No. 47. William Baker vs. Lucen Baker. (Divorce.) as found on Pages 386. and 390. of Large Minute Book. Monticello Dist. Ct.
Given under my hand and Seal of Office. This the 19th day of March. 1902.

G. C. Juston.
Circuit Clerk.
1st District Chc. Nat.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAR 25 1902



DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAR 12 1903

ACTING CHAIRMAN.

Kellogville, I. T. 190

M .....

To DR. ED D. JAMES Dr.

Office at Morris' Drug Store.....

This is to Certify that I have been treating Mrs. Morris Bear for the past three weeks for Malaria and Rheumatism and that she is much improved at the present time.

Ed D James M.D

Kellogville. I.T.

3/26/03.

20

IN RE

Application for Enrollment of

INFANT CHILD

as a citizen of

..... Nation.

Approved, ... 190....

..... *Commissioner.*

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAR 25 1902

ACTING CHAIRMAN.

7-5867

BIRTH AFFIDAVIT. 20

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Choctaw Nation,

of Ella Baker, (Here insert name of child.) born on the 22 day of May, 1899

Name of Father: Billy Baker, a citizen of the Choctaw Nation.

Name of Mother: Mully Baker, a citizen of the Choctaw Nation.

Post-office, Howe Indian Territory.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY. Central District.

I, Mullie Baker, on oath state that I am 33 years of age and a citizen, by Intermarriage, of the Choctaw Nation; that I am the lawful wife of Billy Baker, who is a citizen, by blood, of the Choctaw Nation; that a girl (male or female.) child was born to me on the 22 day of May 1899 that said child has been named Ella Baker, and is now living.

Mullie + Baker
mark

WITNESSES TO MARK:

(Must be Two Witnesses) John London.
F. A. Halliday,

Subscribed and sworn to before me this 14th *day of* March 1902

Jas. Henry Jr
NOTARY PUBLIC.
Howe I.T.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY. Central District.

I, Annie King, a Midwife, on oath state that I attended on Mrs. Mullie Baker, wife of Billy Baker, on the 22 day of May, 1899 that there was born to her on said date a Female (male or female.) child; that said child is now living and is said to have been named Ella Baker.

Annie + King
mark

WITNESSES TO MARK:

(Must be Two Witnesses.) John London
Ella McAfee.

Subscribed and sworn to before me this 15 *day of* March 1902

R. F. White
NOTARY PUBLIC.

In the Commission to the
Five Civilized Tribes.

Mrs Jinie Watts being first
duly sworn say that she is
acquainted with Mrs Molly Baker
who now Resides at Howe. I.T. and that
she was acquainted with Billy Baker
in his life time
She said Billy Baker and Molly
Baker (nee) Molly Winton) were
Married At Ft Smith in Sept.
1895. That she dressed and helped
prepare said Molly Baker before
she was Married.
She says that Billy Baker was
a Choctaw Indian and was an
old man. when he married said
Molly. that they were Married
by Thompson Baker who was a Choc-
taw Indian preacher.

Jinie. Watts

Subscribed and sworn to before
a notary Public on this the 18th day
of May 1900. David Grindham
Notary Public

No 6

To The Commission to The
Five Civilized Tribes.

Sallie Evans being first duly
sworn say That she was present
and saw Billy Baker and Molly
Winton Married.
That They were Married at her
Mothers house in September 1895
That The Ceremony was performed
by an Indian preacher and That
She was present and saw The Marriage
Neal Folsom and Mrs Mattie Hubbard
and Lee Hubbs. and Mr. William
That Billy Baker was a Choctaw
Indian and Molly Winton was
a white Woman when she married
Billy Baker. & was not an Indian
citizen at the time she Married him.

Sallie + Evans
by her mark

Subscribed and sworn to before
me a Notary Public on This
The 19th day of May 1900.

John Landers
atty

Jno F Barde Crenshaw
Notary Public

In the Commission to the Five
Civilized Tribes.

Mrs Mattie Hubbs being by me first
duly sworn according to law says that
she is personally acquainted with Mrs.
Molly Baker who now resides at Howe I.T.
that She was present on the 24 day of Sept
of 1895 when she was married to Billy
Baker. a full blood Cherokee Indian
that they Married at Tahlequah I.T. and that
the Marriage Ceremony was performed
by Thompson Baker who was a Minister
of the Gospel and that said Marriage
was solemnized in my presence and
in the presence of [redacted] Coleman and
Mrs [redacted] Wade Watts and J R Williams and
some Children and perhaps some others
that I do not now recall to memory.
that Billy Baker was of that time an adult
man and that said Thomson Baker who
performed the Marriage Ceremony was
his son. that this affiant now resides near
Braggs Post office I.T.

Mattie [illegible] Hubbs
her mark

Witness
John London.

Subscribed and sworn to before me a
Notary Public this 12th day of April 1900

W D Buckley
Notary Public

witness to sign with mark
Mail from to sign with mark

No 6

7-5867 4301

To The Commissioner To The Five Civilized Tribes.

Noel Folsom being by me first duly sworn according to law says That he was personally acquainted with Billy Baker in his life time and was acquainted with his wife Molly Baker who now resides at Hows Indian Territory That he was present in September 1895 when Billy Baker and Molly was Married. That They were Married by Thompson Baker who Was a regularly ordained Minister of The Gospel. That he himself They was present and witnessed the Marriage Mrs Bettie Fobbs and Mrs Mabbs. That the said Molly Baker and her husband lived together until some time in the year 1898, when the said Billy Baker died. That at his death he must have been at least seventy five years old. That there were born to said Billy Baker and Molly Baker a girl Child a short time after his death.

Affiant further says That he is a Choctaw Indian by blood and is a regularly enrolled Member of The Choctaw Tribe of Indians. That Billy Baker was a Choctaw Indian and That his wife is a white woman.

Noel Folsom

Subscribed and Sworn to before me on this The 16th day of May 1900.

John V. Frederick
Notary Public

(Seal)

No 8

To the Commissioner to the Five Civilized Tribes.

Your Petitioner Mally Baker would respectfully represent to you that on the she is a white woman by blood and that on the 21st day of Sept 1895 she was lawfully married to Billy Baker, dec'd. who was a Choctaw Indian by blood a resident of the Choctaw Nation I.T. and was duly enrolled by said Tribe as a citizen of said Nation, being then a resident of Sugarloaf Co. in said Nation. That she lived with her said husband till the 8 day of June 1898 at which time her said husband died. That during the time that she lived with her said husband there was born to them as the issue of said marriage a girl child which is now living with her and its name is Ella.

Petitioner would further state that she has never since the death of her said husband married. Petitioner submits that by virtue of her said

NSA

marriage as aforesaid she and her said child are entitled to be enrolled as Choctaw Indians.

Petitioner further states that on the 21st day of June 1899 she presented herself to your Commission at Red Oak I.T. for enrollment and was advised that it was necessary to produce witness to her marriage &c. and being poor and unable to procure their attendance the matter was not heard by your Commission She now makes this her application together with affidavits of witnesses to marriage &c and prays that she and her said child be enrolled by you as aforesaid Indians

Molly Baker states that the statements contained in the foregoing application are true.

Witnessed by T.C. Cannon

Molly Ford Baker

Subscribed and sworn to before me this 22nd day of March 1900.

Jas. F. Wright
Notary Public

Encl. Citizenship
of Mollie Baker
Affidavit of
Oscar J. Baker

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUL 12 1904
Chairman.

Indian Territory } ss
Central District }

Oscar J. Baker being duly Sworn deposes and says, he is 24 years of age and a citizen of the Choctaw Nation by blood. That he is a son Billie Baker who was a Choctaw by blood and a recognized citizen of the Choctaw Nation. That his said father Billie Baker, is dead -

That said Billie Baker was divorced from affiants Mother, Lucy Baker, and was then married to one Mollie Winton, who was a White woman.

That the said Billie Baker was not married to any other person, after being divorced from affiants Mother except to the said Mollie Winton.

Affiant further says that his father, Billie Baker had been married before he married affiants mother and that his wife died before his Marriage to affiants Mother -

Oscar J. Baker

Subscribed and sworn to before me this 17th day of June 1904

C. M. Bagwell
Notary Public

My Commission Exps. Mar. 29th 1905

Central Dist.



28826 | Indian Office Inct. No.

Department of the Interior
JUN 28 1900
No. 2030
Indian Territory Division.

30114 | Indian Office. Inct. No. 2 | 1900

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
AUG 2[illegible] 1901

Acting Chairman

1

To The Commissioners to the five Civilized Tribes of Indians

I V Sprinkel being first duly sworn says that on June the 22nd 1899. he was present at Red Oak I. T. when Molly Baker widow of Billy Baker (a full blood Choctaw Indian) appeared in person before the Hon. C. S. McKennon as the enrolling Member of the Dawes Commission at a regularly appointed place for enrolling Choctaw Indians. and that she did on oath state to said McKennon. That she was the Legal wife of Billy Baker who was a full blood Choctaw Indian and that by virtue of her Marriage to said Baker she was entitled to be enrolled as a Member of said Choctaw Tribe of Indians. That she also presented her Infant Child who is also the child of Billy Baker. together with proper affidavits of proof of its Birth. and that it be enrolled but that said McKennon refused to hear her testimony and failed to make a record of her statement That Molly Baker is absolutely blind of means that is unable to travel to go before the Commission now in the Choctaw Nation. I. V. Sprinkel

Subscribed & sworn to before me on this the 9th Day of June 1900.

Jas A Wright
N Pub Pub

209.

ALLISON L. AYLESWORTH, SECRETARY.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

28826

9

Muskogee, Indian Territory, March 6,1900.

Mr. John London,

Cameron, Indian Territory,

Dear Sir:

The Commission is in receipt of your postal card of March 1, in which you ask whether you would be permitted to file with the Commission affidavits to prove the marriage of Mollie Baker, a white woman, to Billy Baker, a full blood Choctaw. In reply to your postal card, you are advised that the Commission is unable to identify the name of Billy Baker as having been listed for enrollment as a citizen of the Choctaw Nation. You will please advise when, where and under what name Billy Baker made application to this Commission to have his name registered for enrollment as a citizen of the Choctaw Nation; also the names of the different members of his family, and any other particulars with reference to his application for enrollment, in order that a clear understanding of the matter may be had.

With reference to your furnishing affidavits as to the marriage of Molly and Billy Baker, you are advised that it would be better in a case of this kind to furnish either the original marriage license or certificate or a certified copy of the same. Even if the Commission should, upon receipt of the information asked for in our letter, be able to identify Billy Baker as having had his name registered for enrollment as a citizen of the Choctaw Nation, it would be

25826 | Indian Office. Inct. No. 3 | 1900

Department of the Interior
RECEIVED
JUN 23 1900
No 20150
Indian Territory Division.

30114 | Indian Office. Inct. No. 4 | 1900

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
AUG 22 1901

ACTING CHAIRMAN.

J.L. # 2.

G.

necessary for Mollie Baker to appear in person before the Commission in order to make application for enrollment as an intermarried citizen.

Yours truly,

Tams Bixby

Acting Chairman.

G.

COMMISSIONERS:
HENRY L. DAWES,
TAMS BIXBY,
ARCHIBALD S. MCKENNON,
THOMAS B. NEEDLES.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

28826

Muskogee, Indian Territory, March 14, 1900.

Mr. John London,

Cameron, Indian Territory,

Dear Sir:

The Commission is in receipt of your letter of March 8, in the matter of the application for the enrollment of Molly Baker as a citizen of the Choctaw Nation. In your letter you state that Molly Baker was married to Billy Baker, a Choctaw Indian, about two or three years ago, but that he died about two years ago and was never enrolled by this Commission, but appears upon the Choctaw roll as dead. This information is correct in that Billy Baker appears upon the 1896 census roll of the Choctaw Nation as a resident of Sugar Loaf County and his age at that time was seventy four years, and the records show that he died prior to the time that the Commission heard applications for enrollment in the Choctaw Nation. The records of this Commission show that Billy Baker was at one time the husband of Lucy Baker, and that there were two children by this marriage, Annie and Sallie Baker, who have been duly listed for enrollment as citizens of the Choctaw Nation. Lucy Baker is now the wife of Marteson Jones of Leflore, Indian Territory, and has also been properly listed for enrollment as a citizen of the Choctaw Nation. If the Molly Baker whom you desire to have enrolled as a Choctaw was ever the wife of Billy Baker, it will be necessary for you to furnish the

23826 | Indian Office. Incl. No. V | 1900

Department of the Interior
RECEIVED
JUN 23 1900
No 2050
Indian Territory Division.

30114 | Indian Office. Incl. No. 5 | 1900

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
AUG 22 1901
ACTING CHAIRMAN.

Thompson Baker
Marriage ~~from~~
at Tuscahoma in
Oct or Sept. 1896.
74 years old.
Present. Folsom
Mrs Nattie Hubbard

Brazile —
Free Issues
Jack Watts at
Wife at Tuscahoma.

Billie Evans

J. L. # 2.

Commission with the affidavits of three parties as eye witnesses to the fact of their marriage, and also a copy of the decree of divorce. Upon the receipt of this evidence of the marriage, the matter of her application will receive further consideration.

Yours truly,

James Bixby

Acting Chairman.

In replying to this letter,
please refer to Choctaw 2995.

Department of the Interior
JUL 23 1900
Indian Territory Division

Indian Office.
Incl. No. 2

28826

3914

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
AUG - 1900
ACTING CHAIRMAN.

Muskogee, Indian Territory, May 23, 1900.

Hon. John Tonner,
Acting Indian Commissioner,
Washington, D. C.

Sir:

I have the honor to transmit herewith a letter of May 22nd, 1900, from Mr. Tams Bixby, Chairman of the Commission to the Five Civilized Tribes, relative to the appointment of a Supervisor of Schools for the Choctaw Nation, and to request that the appointment of Mr. Bixby be confirmed.

Very respectfully,

Inspector.

COMMISSIONERS.
TAMES S. BIRNEY,
DAVID ROGERS,
ALEXANDER B. ARMSTRONG,
THOMAS B. WILDCAT.
ARTHUR L. ANDERSON, Secretary.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, May 25, 1900.

Mr. John London,

Wister, Indian Territory,

Dear Sir:

The Commission is in receipt of your letter of May 22nd, inclosing petition of Mollie Baker for citizenship and the application for enrollment of her infant child. The same is returned to you herewith for the reason that there is no record of Mollie Baker ever having appeared before the Commission in person as an applicant for enrollment, and this Commission is not authorized and cannot accept any applications for enrollment except upon the personal appearance of the applicant so that a sufficient statement can be taken, under oath, upon which a decision can be rendered, and also for forwarding to the Secretary of the Interior when the final rolls of the Choctaw Nation are sent to him for review.

In this case, while the Commission must require their personal appearance, it would be well to have some one appointed guardian who is familiar with all the facts, to appear with this woman when she comes before the Commission as an applicant.

Yours truly,

James S. Birney

Acting Chairman.

4-25

Choctaw D 656

Muskogee, Indian Territory, January 21, 1903.

John London,

Attorney at Law,

Holdenville, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of December 27, 1902, relative to the application of Mollie Baker for enrollment as an intermarried citizen of the Choctaw Nation, in which you state that she has been and still is unable to appear before the Commission and that you can send a physician's certificate to that effect if necessary.

In reply to your letter you are advised that it appears from our records that Mollie Baker has been listed among the doubtful claimants to enrollment as an intermarried citizen of the Choctaw Nation. The Commission is now preparing rolls of the citizens and freedmen of the Choctaw and Chickasaw Nations for submission to the Secretary of the Interior in accordance with the provisions of the act of Congress of July 1, 1902, which was ratified by the Choctaw and Chickasaw Nations on September 25, 1902, and it is necessary to secure the personal testimony of all intermarried citizens of these two nations relative to their status as such intermarried citizens on September 25, 1902, the date of the final ratification of the act of

J L 2

Congress above referred to.

It will therefore be advisable for Mollie Baker to appear before the Commission at the earliest date possible for the purpose of giving such testimony as until the same is received no further consideration can be given her application for enrollment as an intermarried citizen of the Choctaw Nation.

Respectfully,

Choctaw D-656

Muskogee, Indian Territory, February 27, 1903.

Mellie Baker,

C/o John London,

Holdenville, Indian Territory.

Dear Madam:

It is the present intention of the Commission to establish land offices in the Choctaw and Chickasaw Nations April 1, 1903. The Act of Congress approved July 1, 1902, provides:

> "No person whose name does not appear upon the rolls as herein provided shall be entitled in any manner to participate in the distribution of the common property of the Choctaw and Chickasaw tribes."

It will be necessary, before your right to enrollment as an intermarried citizen of the Choctaw Nation can be determined, that you appear before the Commission and testify as to your status on September 25, 1902.

For this purpose the Commission has made an appointment at Atoka, Indian Territory, March 10 to 15, 1903, and you should personally appear at said place on one of the above dates for the purpose herein indicated. No further action can be taken relative to the determination of your right to enrollment until this testimony is received.

Respectfully,

Chairman.

Choctaw D 656.

Muskogee, Indian Territory, March 12, 1903.

John London,

Attorney at Law,

Holdenville, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of March 5, inclosing certificate of E. D. James M. D. relative to the inability of Mrs. Mollie Baker to appear before the Commission at its present appointment at Atoka, Indian Territory, and asking that interrogatories be prepared and forwarded you in the matter of her enrollment as an intermarried citizen of the Choctaw Nation.

In reply to your letter you are advised that Mrs. Baker will be afforded an opportunity to appear before the Commission when the condition of her health will permit, but until her personal testimony is received relative to her status as an intermarried citizen on September 25, 1902, no further consideration can be given her application for enrollment as an intermarried citizen of the Choctaw Nation.

Respectfully,

Chairman.

Choctaw D 386.

Muskogee, Indian Territory, March 25, 1903.

John London,
Attorney at Law,
Holdenville, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of March 14, relative to the application of Mrs. Mollie Baker for enrollment as an intermarried citizen of the Choctaw Nation, and in reply thereto you are advised that the Commission can give you no further information in this matter than was contained in its letter to you of March 12, 1903.

Respectfully,

Chairman.

Copy.

Refer (in reply to the following):
Land
28284-1900

Department of the Interior,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, June 22,1900.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a communication addressed to this office by Frederick and London, lawyers, of Wister, I. T., dated June 9, 1900. They state that their client, Molly Baker, who was the wife of Billy Baker, now deceased, a Choctaw Indian by blood, made personal appearance before the enrolling member of the Commission to the Five Civilized Tribes in June, 1899, and asked to be enrolled as a member of said tribe of Indians; that she was informed by them that her proof was not sufficient; and that no record of her application was made.

The attorneys submitted evidence tending to show the truth of their statements and also to show that Molly Baker is now penniless and is unable to make a personal appearance before the said commission. They ask for such relief as it is deemed proper to give them.

From the affidavits and correspondence filed by Messrs. Frederick and London, it would appear prima facie that Molly Baker, a white woman, was in 1898 married to Billy Baker, a member of the Choctaw tribe of Indians; that Billy Baker died in 1898 and that as fruit of the marriage there was born a child, Ella Baker by name. It is noticed that the affidavits as to her birth give the

date as May 22, 1899. In my opinion, the year has been changed in the affidavits and it seems that such date should be 1898 instead of 1899. (See the affidavits of certain other persons with the record). Also that Molly Baker did make personal appearance before Commissioner McKennon, who declined to place her name on the roll of Choctaw citizens because she failed to furnish sufficient evidence to show that she was entitled to such enrollment and he also failed to make a record of the fact that she did appear.

If this applicant was legally married to a citizen of the Choctaw Nation, it is likely that she is entitled to enrollment, and having once appeared before the commission it would seem at first glance that she should not be again required to appear, but it must be borne in mind that her first appearance was rendered nugatory by reason of the fact that she came unprepared to furnish the necessary evidence, and while it would have been eminently proper for the commission to have made a record of such appearance, nevertheless I do not believe that she can be heard to complain of such failure to make a record when the failure was caused primarily by her own neglect to go supplied with necessary proof.

I respectfully recommend that the papers be returned to the parties who filed them, with the suggestion that if they care to do so, they may cause their client to again appear before the said commission to make application for enrollment, and file such pa-

7-5867

Department of the Interior
RECEIVED
JUN 22 1900
No 20550
Indian Territory Division.

30114 | Indian Office. Inct. No. 6 | 1900

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
AUG 2[illegible] 1901

ACTING CHAIRMAN.

pers and introduce such other evidence as they may deem proper.

It is further recommended that the Commission to the Five Civilized Tribes be advised hereof and be directed to notify Messrs. Frederick and London of any sitting which said commission may have in the Choctaw Nation or in the vicinity of Wister for the purpose of receiving applications for enrollments in the Choctaw Nation.

Very respectfully,
Your obedient servant,

W. A. Jones.

Commissioner.

W. C. V. (L'e)

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Choctaw D-606.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 5, 1902.

Mollie Baker,

Howe, Indian Territory.

You are hereby notified that the application of yourself and your minor child, Ella Baker,

for enrollment as citizens of the Choctaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 15th day of April, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

Register.

T. B. Needles.

Commissioner in Charge.

Department of the

Muskogee, Indian Territory, March 26, 1902.

John London,

Potean, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 21st instant, enclosing certified copy of the divorce proceedings between William Baker and Imogene Baker, and the affidavits of Mollie Baker and Annie King as to the birth of Ella Baker, the daughter of Billy and Molly Baker on May 22, 1898.

The papers enclosed in your letter have been duly filed with the records of this office in the matter of the application of Mollie Baker for the enrollment of herself and her child, Ella Baker, as citizens of the Choctaw Nation.

Yours truly,

Commissioner in Charge.

Choctaw D-656

Muskogee, Indian Territory, May 17, 1904.

J. H. Boling,

Hartshorne, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of May 9, in which you ask if the name of Mollie Baker and Eller Baker are on the rolls.

In reply to your letter you are informed that it appears from our records that application has been made to this Commission for the enrollment of Mollie Baker as an intermarried citizen of the Choctaw Nation, and for the enrollment of her daughter, Ella Baker, as a citizen by blood of said Nation. The Commission has not, however, as yet passed upon the case, and before further consideration can be given the application of Mollie Baker for enrollment as an intermarried citizen of the Choctaw Nation, it will be necessary for her to appear before the Commission, at its office at Muskogee, Indian Territory, for the purpose of testifying relative to her status as an intermarried citizen of said Nation on September 25, 1902, the date of the final ratification by the

J. H. B., 2.

Choctaw and Chickasaw Nations of the act of Congress of July 1, 1902.

Respectfully,

Chairman.

W.O.B.

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BREWSTER.

WM. O. BRAIL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

7-D656

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, August 23, 1904.

J. H. Boling,

Hartshorne, Indian Territory.

Dear Sir :-

Receipt is hereby acknowledged of your letter of the 20th inst., requesting to be advised whether the applications of Mrs Mollie Baker, and Ella Baker, have been approved or not.

You are informed that the application of Mollie Baker for enrollment as an intermarried citizen of the Choctaw Nation, and the application of Ella Baker, her daughter, for enrollment as a citizen by blood of said Nation, are now being considered by this Commission, and it is probable that a decision will be reached in the near future.

Respectfully,

Commissioner in Charge.

7-D-656.

Muskogee, Indian Territory, October 28, 1904.

J. H. Boling,

Hartshorne, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of October 25, 1904, asking the status of the case of Mollie and Ella Baker.

In reply to your letter you are informed that the Commission is now considering the application of Mollie Baker as an intermarried citizen of the Choctaw Nation and of her child Ella Baker as a citizen by blood of said Nation, and when a decision is reached in their case, the applicants will be duly notified.

The matter of the land referred to in your letter will be made the subject of a separate communication.

Respectfully,

Chairman.

Choctaw 2 456

Muskogee, Indian Territory, November 9, 1904.

John London,
Attorney at Law,
South McAlester, Indian Territory,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on November 9, 1904, rendered its decision granting the application for the enrollment of Mollie Baker, as a citizen by intermarriage, and Ella Baker as a citizen by blood, of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicants as citizens of the Choctaw Nation. If at the expiration of that time no protest has been filed, their names will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Chairman.

Registered.

Choctaw D 456

COPY.

Muskogee, Indian Territory, November 9, 1904.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission rendered November 9, 1904, granting the application for the enrollment of Mollie Baker, as a citizen by intermarriage, and Nila Baker, as a citizen by blood, of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicants as citizens of the Choctaw Nation. If at the expiration of that time no protest has been filed, their names will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(Signed)

Tams Bixby

Chairman.

Registered.
Encl. 7-D-456.

See Choctaw D 1002 for registry receipt for this letter.

Choctaw D 636

Muskogee, Indian Territory, November 9, 1904.

Mollie Baker,

Hartshorne, Indian Territory,

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered November 9, 1904, granting the application for the enrollment of yourself as a citizen by intermarriage, and your minor child, Ella Baker, as a citizen by blood of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling you as citizens of the Choctaw Nation. If at the expiration of that time no protest has been filed, your names will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Tams Bixby

Chairman.

Registered.

Incl. 7-D-636.

7-D656

Muskogee, Indian Territory, August 23, 1904.

J. H. Beling,

Hartshorne, Indian Territory.

Dear Sir :-

Receipt is hereby acknowledged of your letter of the 20th inst., requesting to be advised whether the applications of Mrs. Mollie Baker, and Mila Baker, have been approved or not.

You are informed that the application of Mollie Baker for enrollment as an intermarried citizen of the Choctaw Nation, and the application of Mila Baker, her daughter, for enrollment as a citizen by blood of said Nation, are now being considered by this Commission, and it is probable that a decision will be reached in the near future.

Respectfully,

Chairman.

Choctaw-D-656.

Muskogee, Indian Territory, June 14, 1904.

John London,

Attorney at Law,

Ft. Smith, Arkansas.

Dear Sir:

Receipt is hereby acknowledged of your letter of June 6th in which you ask if Mollie Baker will now be permitted to appear before the Commission in the matter of her application for enrollment as an intermarried citizen of the Choctaw Nation and state she has previously been unable to appear for the purpose of testifying relative to her status as an intermarried citizen on September 25, 1902.

In reply to your letter you are advised that Mollie Baker should appear before the Commission at its office at Muskogee, Indian Territory as early as practicable for the purpose of testifying relative to her intermarried status as until this testimony is received no further consideration can be given her application for enrollment as an intermarried citizen of the Choctaw Nation.

Respectfully,

Chairman.

Choc 5868 Alpha Virginia Dillard

Trans from Choc AD-780 Nov 24/1904

5868

7-D-780.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, August 29, 1902.

------:------

In the matter of the application of Alpha Viturie Dilliard for enrollment as a citizen by intermarriage of the Choctaw Nation.

Applicant not represented by attorney.

Alpha Vituria Dilliard being first duly sworn, upon her oath testifies as follows:

Examination by the Commission.

Q What is your name? A My given name?
Q Your full name. A Alpha Vituria Dilliard. A-l-p-h-a V-i-t-u-r-i-a D-i-l-l-i-a-r-d .
Q What is your age? A I'll be nineteen the first day of December.
Q What is your post office address? A Baum, Indian Territory.
Q Is Baum in the Choctaw Nation? A No sir, it's in the Chickasaw Nation.
Q How long have you been a resident of the Chickasaw Nation? A I have been raised there.
Q Lived there all your life? A Yes sir.
Q What is the name of your father? A Dabney Barnes.
Q Is your father living? A Yes sir, this is my father.
Q Is he a white man? A Yes sir.
Q Is he a citizen of the United States? A Yes sir.
Q What is the name of your mother? A Mollie Barnes.
Q Martha? A Mollie.
Q Mandie? A Mollie.
Q Is she living? A No sir, she's dead.
Q Was she a white woman? A Yes sir.
Q Are you now applying for enrollment as an intermarried citizen of the Choctaw Nation? A Yes sir.
Q What is the name of your Choctaw husband? A My Choctaw husband?
Q Yes, full name? A Lee Hamilton Dilliard.

Q Is he a recognized and enrolled citizen of the Choctaw Nation?
A Yes sir.

The name of the applicant's husband, Lee Hamilton Dillard, is identified on the records of the Commission on Choctaw roll card, field No. 268, having been listed for enrollment as a citizen by blood of the Choctaw Nation by the Commission to the Five Civilized Tribes upon his identification upon the 1896 Choctaw census roll of Choctaws residing in the Chickasaw District, No. 3644. His name appears upon said roll as Lee Hamilton Dillard.

Q When were you married to your Choctaw husband? A 10th of February a year ago.
Q February 10, 1901? A Yes sir.
Q Were you married in accordance with the Chickasaw law? A No sir.
Q Did you obtain a marriage license from the United States District Court? A Yes sir.
Q Have you that license with you? A Yes sir.

There is offered in evidence, marked "Exhibit A" and made a part of the record in this case a certified copy of the marriage license of Lee Dilliard and Urie Barns, issued by the Clerk of the United States Court for the Southern District of Indian Territory, to which license is attached the certificate of J. W. Tennison to the effect that he married said parties on February 10, 1901. Said marriage license and certificate being on file in the office of the Clerk of the United States Court for the Southern District of Indian Territory, in Book "E", page 318.

Q Are you the identical party referred to in this marriage license as Urie Barns, B-a-r-n-s ? A Yes sir.
Q Were you ever married before your marriage to your present husband? A No sir.
Q Was your husband, Lee Dilliard ever married before his marriage to you? A No sir.
Q Was there any legal obstacle in the way of your marriage at the time of its consummation? A No sir.
Q Have you lived together as husband and wife since this marriage? A Sir?
Q Have you lived together as husband and wife since this marriage? A Till May.
Q Until May? A Yes sir.
Q Has there been a separation since that time? A Yes sir.
Q Has there been any divorce? A No sir.
Q Did you leave your husband in May? A Yes sir.
Q What was the cause of this separation? A Well, he went off and left me when I was looking to be sick, and he left before that, though and then he came back, and then he left me when I was looking to be sick.

Q Did he leave you or did you leave him? A I left him.
Q Is that the only cause of your separation? A Yes sir.
Q His treatment of you? A Yes sir.
Q Did he abuse you? A No sir, he didn't abuse me in any way only going off and leaving me when I was looking to be sick and was gone away from home all the time.
Q I want to get the facts now, in regard to your separation? A That's all I know. I left him because he left me at night.
Q He never abused you or mistreated you? A No way only that.
Q Only by leaving you? A Yes sir, and playing cards.
Q Has your husband ever tried to get you to return to him? A No sir.
Q There has never been any divorce proceedings brought by either one of the parties? A Not by him that I know of. I know the havn't.
Q You are simply not living together at the present time? A No sir, we ain't living together.
Q Is his residence in the Chickasaw Nation? A Yes sir.
Q At the same place that your residence is? A No sir, its at Keller, Indian Territory.
Q Have you any children by your husband? A This one.
Q What is the child's name? A Walter.
Q Walter? A Yes sir.
Q That is the full name? A Yes sir, that's the full name.
Q When was this child born? A 27th day of July.
Q This year? A Yes sir.

------:------

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilised Tribes he reported in full all the proceedings in the above entitled cause on August 29, 1908, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of August, 1908.

Hal Belford

Subscribed and sworn to before me this 30 day of August, 1908.

Notary Public.

7-D-780

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Tishomingo, Indian Territory, November 4, 1902.

In the matter of the application for enrollment of Alpha Vituria Dillard as a citizen by intermarriage of the Choctaw Nation.

Said Alpha Vituria Dillard, being first duly sworn, testified as follows:

Examination by the Commission.

Q What is your name? A Alpha Vituria Dillard.
Q What is your age? A Nineteen.
Q What is your postoffice address? A Cumberland, Indian Territory.
Q You claim right to enrollment as an intermarried citizen of the Choctaw Nation? A Yes sir.
Q What is the name of your husband through whom you claim the right to enrollment? A Lee Hamilton Dillard.
Q Is he living? A Yes sir.
Q Is he a citizen by blood of the Choctaw Nation? A Yes sir.
Q When were you married to him? A In 1901.
Q Where were you living at that time? A At Baum.
Q In which Nation is that? A Chickasaw.
Q How long had you been living in the Chickasaw Nationat the time of your marriage? A All of my life.
Q How long had your husband been living in the Chickasaw Nation at the time of your marriage? A All of his life.
Q Have you and your husband continued to reside in the Chickasaw Nation since your marriage? A Yes sir.
Q Continued to live together as husband and wife since that time? A No sir.
Q How long did you live with your husband? A A year and three months.
Q When did you separate from him? A In May of this year.
Q Where were you living at the time of your separation? A At Keller, in the Chickasaw Nation.
Q Did you have a home of your own, yourself and husband? A No sir.
Q Who were you living with? A We didn't have a home of our own--we didn't have any land of our own--we were living on his father's place.
Q In a house by yourself? A Yes sir.
Q Was he cultivating the place that you were living on? A Yes sir.
Q What was the cause of the separation? A He wasn't good to me--he wouldn't leave me alone--we couldn't get along.
Q Did he abuse you--strike you? A No sir.
Q At the time of the separation did you have any quarrel? A No sir
Q Who left the place at which you were living when you separated? A I did.
Q What was the immediate cause of your leaving your husband at that time? A He wasn't good to me--he would leave me alone at night.
Q Had he been away from home for any considerable length of time? A No sir, not at that time but he had before that.
Q Had he been away from home that night or any nights previous to the day you left him? A Yes sir, the night before I left he was at a dance.
Q How far was the dance from your place? A About a mile, or may be two miles.

Q When did he return from that dance? A Very near daylight in the morning.
Q What, if anything, occurred between you and your husband on his return that morning from the dance? A Nothing, only I tried to get him to take me to my father's and he wouldn't do it and I wrote for my father, to come for me.
Q You say that that was the day on which you left there? A Yes sir.
Q How far did your father live from you? A About seventy-five miles--I left him and went to one of the neighbor's houses and stayed until my father came.
Q I wish you would repeat as near as possible what the conversation was that occurred between you and your husband just prior to your leaving him? A I left him at home in bed and I asked him to bring me to my father's and he told me he wouldn't.
Q Didn't you say anything to your husband about his not treating you right? A Yes, I've done that lots of times. I told him the night he started for the dance if he left me that night it would be the last.
Q were you sick at that time? A I wasn't in bed sick but I wasn't in good health.
Q You say that was in May? A Yes sir, the last of May.
Q How frequently had your husband been in the habit of leaving you alone at night and going out, prior to that time? A Many times.
Q How frequently did he go--several times a week or several times a month? A Several times a week.
Q At these times that your husband left you, did you remonstrate with him at his leaving you alone? A Yes sir, I did--I talked to him lots of times and begged him not to go.
Q What would he say to you at these times? A He would just go--he wouldn't say much of anything.
Q How many children have you? A Just one.
Q How old is the child? A Three months old.
Q When was it born? A The 27th day of July.
Q And you separated from your husband in May of this year? A Yes sir, he played cards and would spend nights in that way.
Q In the love you stated that he was cultivating the land on which you lived at that time? A Yes sir.
Q Did he work himself? A Yes sir, some, not very much.
Q Did he provide you with the necessaries of life? A Well, his father helped him.
Q Is there any other statement you desire to make relative to your separation from your husband? A He left me last Summer and went to the Choctaw Nation and was gone a month.
Q When was that? A Last Summer.
Q In 1901? A Yes sir, in 1901.
Q How soon after you were married? A It was in August, after, we were married in February.
Q Have you seen your husband since you separated from him in May? A No sir.
Q Has he communicated with you in any manner? A No sir.
Q Has he made any effort that you know of to have you return and live with him as his wife? A No sir. I haven't heard from him since I left.
Q Has he contributed in any manner to your support since you left him? A No sir.

Examination by Chickasaw Commissioner R. L. Murray.

Q You state that when you left your husband you left him in bed, was he sleeping? A Yes sir.

Q [illegible]

A Yes sir.

He wanted me to write a letter for him.

By the Commission:

Q What did he say when you said you would send for your father? A Not a word.
Q He didn't keep you from going? A No sir.

Ira S. Miles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Tishomingo, Indian Territory, November 4, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 7th day of November, 1902.

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
AUG 29 1902
ACTING CHAIRMAN.

Certificate of Record of Marriage

United States of America,
Indian Territory,
Southern District. } sct.

I, C. M. CAMPBELL, Clerk of the United States Court, in the Territory and District aforesaid Do HEREBY CERTIFY, that the License for and Certificate of Marriage of

MR. Lee Billiard and

M Urie Barns.

were filed in my office in said Territory and District the 14th day of February A.D., 1902, and duly recorded in Book 2 of Marriage Record, Page 530.

WITNESS my hand and Seal of said Court, at Ardmore, this 14th day of February A.D. 1902

C. M. Campbell
CLERK.

Indian Territory.
Southern District. } I, C. M. Campbell, Clerk of the United States Court, within and for the Southern District of the Indian Territory, do hereby certify that the above and foregoing is a true, perfect and literal copy of the marriage license and certificate now of record in my office at Ardmore, Indian Territory.

In testimony whereof, I have hereunto set my hand and affixed the seal of said Court at my office in Ardmore, Indian Territory, this 27th day of August 1902.

C M Campbell Clerk.

MARRIAGE LICENSE

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
SOUTHERN DISTRICT. } ss:

To Any Person Authorized by Law to Solemnize Marriage, Greeting:

You are hereby commanded to solemnize the Rite and publish the Banns of Matrimony between Mr. Lee Dilliard of Keller in the Indian Territory, aged 18 years, and M Urie Barns of Bawn in the Indian Territory, aged 18 years, according to law; and do you officially sign and return this License to the parties therein named.

Witness my hand and official Seal, this 4th day of February A. D. 1901

C. M. Campbell
Clerk of the United States Court.

Certificate of Marriage.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
SOUTHERN DISTRICT. } ss:

I, J. W. Tennison a Gospel Minister do hereby certify that on the 10th day of Feb. A. D. 1901, I did duly and according to law, as commanded in the foregoing License, solemnize the Rite and publish the Banns of Matrimony between the parties therein named.

Witness my hand this 10th day of February A. D. 1901

My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Southern District, at Ardmore, Book [illegible] Page [illegible]

J. W. Tennison
a Gospel Minister

NOTE—The person officiating should fill in the [illegible]

NOTE (a)—[illegible]

NOTE (b)—[illegible]

7-D-780.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Alpha Vituria Dillard as a citizen by intermarriage of the Choctaw Nation.

--: D E C I S I O N :--

It appears from the record herein that on February 10, 1901 the applicant, Alpha Vituria Dillard, was lawfully married to Lee Hamilton Dillard, a recognized and enrolled citizen by blood of the Choctaw Nation, whose name appears as number 569 upon the lists prepared by this Commission under the act of Congress approved July 1, 1902 (32 Stat., 641), of persons entitled to enrollment as citizens by blood of the Choctaw Nation and approved by the Secretary of the Interior on December 12, 1902; that at the time of said marriage both persons above mentioned were residents in good faith of the Chickasaw Nation; that they lived together continuously as husband and wife from the date of said marriage until May, 1902, when they separated, through the fault of the said Lee Hamilton Dillard, and that the applicant had been a resident in good faith of the Chickasaw Nation from the date of said marriage and remained the wife of said Lee Hamilton Dillard up to and including September 25, 1902.

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of Ella Jones (I.T.D. 6818-1904), Alpha Vituria Dillard should be enrolled as a citizen by intermarriage of the Choctaw Nation in accordance with the provisions of the acts of Congress approved June 28, 1898 (30 Stat., 495) and July 1, 1902 (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

NOV 9 - 1904

Choctaw D 780

Muskogee, Indian Territory, November 9, 1904.

Alpha Victoria Dillard,

Cumberland, Indian Territory,

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered November 9, 1904, granting your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling you as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, your name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Tams Bixby

Chairman.

Registered.

Incl. 7-D-780.

Choctaw D 780

COPY.

Muskogee, Indian Territory, November 9, 1904.

Riley & Cotner,

Attorneys at Law,

Tishomingo, Indian Territory,

Gentlemen:

You are hereby notified that the Commission to the Five Civilized Tribes, on November 9, 1904, rendered its decision granting the application for the enrollment of Alpha Viturie Dillard as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, her name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

Tams Bixby

Registered. Chairman.

Choctaw D 780

COPY.

Muskogee, Indian Territory, November 9, 1904.

George A. Henshaw,

Attorney at Law,

Medill, Indian Territory,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on November 9, 1904, rendered its decision granting the application for the enrollment of Alpha Viturie Dillard as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, her name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED)

Tams Bixby

Chairman.

Registered.

Choctaw D 780

COPY.

Muskogee, Indian Territory, November 9, 1904.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission, rendered November 9, 1904, granting the application for the enrollment of Alpha Viturie Dillard as a citizen by intermarriage of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, her name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED)

Tams Bixby
Chairman.

Registered.
Incl. 7-D-780

See Choctaw D 1002 for registry receipt for this letter.

7-D-750

Muskogee, Indian Territory, September 29, 1904.

George S. Henshaw,
Attorney At Law,
Sedill, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of the 26th instant, requesting information relative to the status of the application for enrollment of Alpha Vuria Dilliard as an intermarried citizen of the Choctaw Nation.

You are informed it appears from our records that Alpha Vituria Dilliard is an applicant to this Commission for enrollment as an intermarried citizen of the Choctaw Nation, but the Commission has not yet passed upon her case. As soon as a decision has been rendered in her case she will be duly notified of the action taken therein.

Respectfully,

Chairman.

7-D-780

Muskogee, Indian Territory, October 6, 1904.

George A. Henshaw,

Attorney at Law.

Madill, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of the 3rd instant, requesting to be advised relative to the status of the application for enrollment of Alpha Vuria Dillard as an intermarried citizen of the Choctaw Nation and whether or not it is necessary that further evidence in support of her application be furnished.

You are advised that the Commission has not yet passed upon the application for enrollment of Alpha Vituria Dilliard for enrollment as a citizen by intermarriage of the Choctaw Nation. It is not believed, however, that it will be necessary for her to furnish further evidence in support of her application. As soon as a decision is reached in her case she will be duly notified of the action taken therein.

Respectfully,

Chairman.

Choc 5869 Emma Lively Hilton

Trans from Choc #D-815 NOV 26, 1904

5869

In the matter of the application for the enrollment of Emma Lively Hibdon as a citizen by intermarriage of the Choctaw nation.

7-D-815.

3869

Original.
7-B-815

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Pauls Valley, Indian Territory, October 21, 1902.

In the matter of the application for enrollment of Emma Lively Hibdon as a citizen by intermarriage of the Choctaw Nation.

Said Emma Lively Hibdon, being first duly sworn, testified as follows.

Examination by the Commission.

Q What is your name? A Emma Lively Hibdon.
Q How old are you? A Nineteen years old.
Q What is your postoffice address? A McGee.
Q Chickasaw Nation? A Yes sir.
Q How long have you lived in the Chickasaw Nation? A Four years.
Q Where did you live before that? A In Texas.
Q All your life? A Yes sir.
Q But you have lived in the Chickasaw Nation continuously for the past four years? A Yes sir.
Q You are a white woman? A Yes sir.
Q And an applicant for enrollment as a citizen by intermarriage of the Choctaw Nation? A Yes sir.
Q What is the name of your Choctaw husband through whom you claim your rights? A Henry Clay Hibdon,
Q When were you married to Henry Clay Hibdon? A August 28, 1901.
Q Where? A McGee.
Q Chickasaw Nation? A Yes sir.
Q Where did you live when you married him? A He lived west of McGee.
Q In the Chickasaw country? A Yes sir.
Q How long had he lived in the Chickasaw Nation when you married him? A About sixteen years.
Q He is a duly recognized and enrolled citizen by blood of the Choctaw Nation, is he? A Yes sir.
Q How did you marry him-under a United States license? A Yes sir.
Q Never were married to him under a Chickasaw license? A No sir.
Q This is your United States license which you present here at this time? A Yes sir.

Marriage license and certificate of Henry Clay Hibdon and Emma Lively offered in evidence, marked as Exhibit A, filed and made a part of the record in this case.

Q Were you ever married before you married Henry Hibdon? A No sir.
Q Was he ever married before he married you? A No sir.
Q This is the first application of any description that you have ever made to the Commission for the purpose of establishing your rights as an intermarried citizen of the Choctaw Nation? A Yes sir
Q Is your father living? A Yes sir.

Q What is his name? A Wash Lively.
Q He is a non-citizen? A Yes sir.
Q Is your mother living? A Yes sir.
Q What is her name? A Frances Lively.
Q She is a non-citizen? A Yes sir.
Q Have you and Henry Clay Hibdon been living together in the Chickasaw Nation as husband and wife continuously since your marriage in August,1901? A Yes sir.
Q You are living together as husband and wife at this time and are bonafide residents of the Chickasaw Nation? A Yes sir.

I, W. S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause heard at Pauls Valley, Indian Territory, October 21, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

W. S. Niles

Subscribed and sworn to before me this, the 29 day of October, 1902.

C. A. Hamm

Notary Public.

Choctaw D-815.

In the matter of the enrollment of Emma Lively Hibdon as an intermarried citizen of the Choctaw Nation.

PROTEST of
Choctaw and Chickasaw Attorneys

OF THE INTERIOR,
ON TO THE FIVE CIVILIZED TRIBES.
FILED
FEB 6 1904

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Emma Lively Hibdon as a citizen by intermarriage of the Choctaw Nation, Choctaw Field No.D-815.

- - - - - - -

We hereby request, on behalf of the Choctaw and Chickasaw Nations, that final decision in this case be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of Preston Early, et al., vs. Choctaw and Chickasaw Nations, No.64 on the South McAlester Docket, in which the said court will decide the question of the citizenship rights by intermarriage, if any, of those white persons who married with citizens by blood of the Choctaw Nation not in accordance with the tribal laws, which question is involved in the case to which this communication refers.

This request is filed under authority granted by the Honorable Secretary of the Interior in his communication to the Commission to the Five Civilized Tribes upon ths subject, dated November 18, 1903.

Maynard McMurray Gravatt

Attorneys for the Choctaw & Chickasaw Nations.

January 23, 1904.

7-D-815.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Emma Lively Hibdon as a citizen by intermarriage of the Choctaw Nation.

--: D E C I S I O N :--

It appears from the record herein that on August 28, 1901 the applicant, Emma Lively Hibdon (nee Lively), was lawfully married to Henry Hibdon, a recognized and enrolled citizen by blood of the Choctaw Nation, whose name appears as number 170 upon the lists prepared by this Commission under the act of Congress approved July 1, 1902 (32 Stat., 641), of persons entitled to enrollment as citizens by blood of the Choctaw Nation and approved by the Secretary of the Interior on December 12, 1902; that at the time of said marriage both persons above mentioned were residents in good faith of the Chickasaw Nation and that they lived together continuously in said nation as husband and wife from the date of said marriage up to and including September 25, 1902.

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of Ella Jones (I.T.D. 6818-1904), Emma Lively Hibdon should be enrolled as a citizen by intermarriage of the Choctaw Nation in accordance with the provisions of the acts of Congress approved June 28, 1898 (30 Stat., 495) and July 1, 1902 (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

NOV 9 - 1904

Choctaw D 813

FY.

Muskogee, Indian Territory, November 9, 1904.

Emma Lively Hibben,

Webbers, Indian Territory,

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered November 9, 1904, granting your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling you as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, your name will be placed upon the final roll of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Tams Bixby

Chairman.

Registered.

Inel. T-D-813.

Choctaw D 815

COPY.

Muskogee, Indian Territory, November 9, 1904.

Riley & Cotner,

Attorneys at Law,

Tahlequah, Indian Territory,

Gentlemen:

You are hereby advised that the Commission to the Five Civilized Tribes, on November 9, 1904, rendered its decision granting the application for the enrollment of Emma Lively Hibdon as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, her name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED)

Tams Bixby

Chairman.

Registered.

Choctaw R #15

COPY.

Muskogee, Indian Territory, November 9, 1904.

O. W. Patchell,
Attorney at Law,
Paoli Valley, Indian Territory.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on November 9, 1904, rendered its decision granting the application for the enrollment of Rena Lively Hinton as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, her name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

Tams Bixby

Chairman.

Registered.

Choctaw D 818

COPY.

Muskogee, Indian Territory, November 9, 1904.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission, rendered November 9, 1904, granting the application for the enrollment of Emma Lively Hibdon as a citizen by intermarriage of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, her name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED)

Tams Bixby

Chairman.

Registered.

Incl. 7-D-818.

See Choctaw D 1002 for registry receipt for this letter.

Emma Lurley Hibdon
"Exhibit A"

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT 21 1902

ACTING CHAIRMAN.

2479

Certificate of Record of Marriage

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Southern District. } act.

I, C. M. CAMPBELL, Clerk of the United States Court, in the Territory and District aforesaid, DO HEREBY CERTIFY, that the License for and Certificate of Marriage of

Mr. H. C. Hibdon and

M Emma Lurley

were filed in my office in said Territory and District the 3 day of Sept A. D. 1901

and duly recorded in Book E of Marriage Record, Page 568

WITNESS my hand and Seal of said Court, at Ardmore, this 3rd day of Sept A. D. 1901

C M Campbell
CLERK.

FILED
SEP 3 1902
Ret'd. C. M. CAMPBELL, Clerk.

568.

Marriage License

(7-5869)

United States of America,
INDIAN TERRITORY
SOUTHERN DISTRICT. } ss:

To Any Person Authorized by Law to Solemnize Marriage, Greeting:

You Are Hereby Commanded To solemnize the Rite and publish the Banns of Matrimony between Mr. H. C. Hibdon of McGee in the Indian Territory, aged 18 years and Miss Emma Finley of McGee in the Indian Territory, aged 18 years, according to law; and do you officially sign and return this License to the parties therein named.

Witness My hand and official Seal, this 28" day of August A. D. 1901

Chas. M. Campbell
Clerk of the United States Court.

By J. T. Fleming, Deputy.

Certificate of Marriage.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
SOUTHERN DISTRICT. } ss:

I, P. A. Smith an ordained minister do hereby certify, that on the 28th day of august, A. D. 1901, I did duly and according to law, as commanded in the foregoing License, solemnize the Rite and publish the Banns of Matrimony between the parties therein named.

WITNESS my hand, this 31st day of august, A. D. 1901

My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Southern District, at Ardmore, Book a, Page 222

P. A. Smith
an ordained minister

(NOTE.—The person officiating should fill in the spaces for book and page and sign here.)

NOTE (a)—This License and Certificate of Marriage must be returned to the office of the Clerk of the United States Court in the Indian Territory, at Ardmore, within sixty days from the date thereof, or the party to whom the License was issued will be liable in the amount of One Hundred Dollars ($100.)

NOTE (b)—No person is authorized to perform the Marriage Ceremony in the Southern District unless the proper credentials have first been recorded in the Clerk's office.

Choctaw D 815

Muskogee, Indian Territory, February 10, 1904.

Mrs. Lively Hibdon,

Wetumka, Indian Territory,

Dear Madam:

You are hereby advised that under direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Choctaw and Chickasaw Nations dated January 23, 1904, no further action will be taken relative to your enrollment as an intermarried citizen of the Choctaw Nation until the Commission is further instructed by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

7-75
7-140
7-275 7-D-615

Muskogee, Indian Territory, October 15, 1904.

O. W. Patchell,

Attorney at Law.

Paula Valley, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of the 12th instant, enclosing four certified copies of the decision of the Choctaw and Chickasaw citizenship court in the case of Lula B. Trahern vs Choctaw and Chickasaw Nation, and you request that one copy of each be filed with the application for enrollment of Emma D. Gibdon, Kattie S. Goodson, Abbie Williams and Lelia Myrtle Cunningham.

You are informed that said copies have been filed in accordance with your request.

Respectfully,

Commissioner in Charge.

7-D-816

Muskogee, Indian Territory, October 18, 1904.

Riley & Cother,
Attorneys at Law.
Tishomingo, Indian Territory.

Gentlemen:-

Receipt is hereby acknowledged of your letter of the 11th instant, requesting that you be entered of record as Attorneys for Emma Hibdon, an applicant for enrollment as an intermarried citizen of the Choctaw Nation, and that you be advised relative to the status of her application for enrollment.

You are advised that the Commission has not yet passed upon the application for enrollment of Emma Lively Hibdon as an intermarried citizen of the Choctaw Nation. Her case, however, is under consideration and as soon as a decision is rendered therein, you and the applicant will be duly notified of the action taken in the matter.

Respectfully,

Chairman.

IN THE CHOCTAW AND CHICKASAW CITIZENSHIP COURT SITTING AT SOUTH McALESTER, IN THE CENTRAL DISTRICT OF THE INDIAN TERRITORY IN THE CHOCTAW NATION.

Lula B.Trahern, alias Lula E.Trahern,----------Appellant,

vs #40.

The Choctaw and Chickasaw Nations,----------Appellees.

The Treaty of 1866 with the Choctaw and Chickasaw Nations provided, in section 39 thereof, that,

" Every white person who having married a Choctaw or Chickasaw resides in the said Choctaw or Chickasaw Nation etc. is---------- is to be deemed a member of said Nation----------,

As has heretofore been declared in cases decided in this court to entitle a white person to be deemed a member of said nation or nations, the white person must have married a Choctaw or Chickasaw and must reside in the Choctaw or Chickasaw nation after said marriage. That is to say, a valid marriage to a Choctaw or Chickasaw must be followed by a residence in one of said Nations as the case may be.

A male Choctaw under the laws and regulations of the said Nation can contract a marriage which is legal outside of ~~the~~ said Nation and under the laws of any other State, and then bringing his white wife to reside in the said nation of which he is a member, and she afterwards there resides as his wife, she is to be deemed a member of said Nation. Two things must concur. The valid marriage must take place by a male member of the Tribe or nation to a white woman; and she must live and reside with her husband in said nation in which he resides.

The question involved in this case is whether a Choctaw man by blood, married in Mississippi, before he has been enrolled as a Choctaw by blood, in the Choctaw Nation, Indian Territory, can by removing and living in the Choctaw Nation with his wife so married, convert h

her so to speak,without remarrying her,into a member of said tribe That is to say does the marriage,valid in all respects as such,and followed by residence,entitle the white woman to membership in the Nation of her husband from the time of her husband's enrolment as a Choctaw by blood(under the existing laws and treaties) by the Commission to the Five Civilized Tribes and the approval thereof by the Secretary of the Interior? I think that these things are sufficiant under section 38 of the Treaty of 1866.

There is of course a vast difference between the status of a white man marrying a Choctaw or Chickasaw woman and a white woman marrying a Choctaw or Chickasaw man. The white man must marry in the Nation he wishes to become a member of by intermarriage according to its laws and regulations,and reside therein thereafter and remain with his wife. A white woman can be validly married to a Choctaw man in any jurisdiction outside of the Nation and by then residing in said Nation in the marital state with her Choctaw husband be deemed from such marriage and residence a member of that Nation. I cannot see how a marriage valid before her husband, a Choctaw by blood, became identified and entitled to enrolment in the respective Nation and valid thereafter,and followed by her residence continuously after his recognition and identification does not entitle the white wife to be deemed a member of the Nation of which her husband is a member. This conclusion it seems to me is according to the letter and spirit of section 38 of the Treaty of 1866 and in accordance with the laws and regulations of the Choctaw Nation.

Such a state of facts and conditions brings about what the Treaty intended,towit, a valid marriage and insuring the legitimacy of the off-spring,if any, of such marriage,and residence in the Nation as a member thereof,which are the two essential things the said Treaty seeks to effectuate.

I think that the appellant here Lula B.Trahern sometimes called Lula E.Trahern should be declared entitled to intermarried citizenship in the Choctaw Nation,and all rights accruing therefrom and it

is so ordered.

(Signed) Henry S.Foote
Associate Judge.

We concur.

Spencer B.Adams Chief Judge,

Walter L.Weaver Associate Judge.

United States of America,

Indian Territory,

Southern Judicial District.

I James B.Cassada Clerk of the Choctaw and Chickasaw Citizenship Court do hereby certify that the foregoing is a true and correct copy of the decision of said Court in the action of Lula B. alias Lula E.Trahern,Appellant vs The Choctaw and Chickasaw Nations Appellees,No.40,as lately rendered by said Court.

Witness my hand and seal of office on this the 7th day of Oct. A.D.1904.

James B. Cassada

D

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT 14 1904

CHAIRMAN.

CHOCTAW. 5869

D815

Choc 5870 [illegible] Phebus

No/ Trans from Choc Card # 3658 9-5-04

5870

Choctaw 4650

Muskogee, Indian Territory, January 16, 1904.

Harley & Lewis,

Attorneys at Law,

South McAlester, Indian Territory,

Gentlemen:

Receipt is hereby acknowledged of your letter of January 11, asking if the names of Margaret Phoebus and Emeline and Phoebe Jefferson have been finally approved so that they can now take their allotments.

In reply to your letter you are advised that it appears from our records that Margaret Phoebus was admitted to citizenship in the Choctaw Nation by a judgment of the United States Court for the Central District of the Indian Territory, rendered at South McAlester, August 27, 1897, in court case, citizenship docket, Number 187. Under the provisions of the act of Congress of July 1, 1902, the Commission is prohibited from enrolling or making any allotments to any persons whose citizenship is dependent upon judgments of the United States Courts in Indian Territory, until their final right to Choctaw and Chickasaw citizenship has been determined.

You are further advised that Phoebe and Emeline Jefferson have been listed for enrollment as citizens by blood of the Choctaw

H & L 2

Nation, having been identified from the 1896 census roll of the Choctaw Nation, Tobuckey County, but their names have not yet been placed upon the schedules of citizens by blood of said nation prepared for forwarding to the Secretary of the Interior. They would not, therefore, be permitted to make selection of allotment at this time.

Respectfully,

Chairman.

MEMORANDA.

(Date) Sept 7 1899.

Name .....

Choctaw? ..... County ..... Year ..... No. .....

Chickasaw? ..... County ..... Year ..... Page .....

Citizen by blood? ..... Mother's citizenship .....

Intermarried citizen? .....

Married under what law? .....

License filed this day, ...

Wife's name, Margaret Hebus

Choctaw? yes County ..... Year ..... No. .....

Chickasaw? yes County ..... Year ..... Page .....

Citizen by blood? yes Mother's citizenship .....

Intermarried citizen? .....

Married under what law? .....

License filed this day .....

Names of children:

Phoebe Jefferson	County Tobucksy	Year 96	Page 164	No. 6669
Emeline "	County	Year "	Page "	No. 6668
Laura E. "	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.

Admitted by U.S. Com. McAlester Aug 25-99
Case #187 - as Margaret Welch,
as to date & birth of child as
her testimony
as to present marriage as testimony of
Wiley Garvin
Born Jan 8-99

4650

Department of the Interior,
Commission to the Five Civilized Tribes.
I hereby certify that the above is an official copy of the stenographer to the said Commission, that this transcript is a true, full and correct translation of my stenographic notes.

M D Green

Commission to the Five Civilized Tribes,

South McAlester, Indian Ter.

In the enrollment of Margaret Febus and children as Choctaws; being sworn and examined by Com'r McKennonshe states:

Q What is your name? A Margaret Febus.

Q How old are you? A Thirty-five.

Q Where have you been living? A Down here the other side of Cherryville.

Q How long? A Ever since I have been married, thirteen years ago.

Q All the while? A Yes sir.

Q When were you married to Mr. Febus? A One year ago; my first man was Jefferson.

Q What was your name when you made application to the Dawes Commission? A Welch .

Q What was the date of your marriage to Mr. Febus? A August 28th of last year.

Q You have one child born since that time? A Yes sir.

Q What is its name? A Laura E. Febus, who was born January 8th 1899. I have got three more children; one named Emiline Jefferson, thirteen years old, and Phoebe Jefferson, eleven years old; and there's one, Sallie Welch, seven years old.

Q They are not included in this judgment? A No sir, but these two children of Jefferson's was enrolled and drawed money when they paid the last time.

Q Was he a Choctaw citizen? A Yes sir.

Q Welch wasn't a citizen? A No sir.

Q The Welch child wasn't included in this judgment ? A Nosir.

Com'r McKennon: Enrollment of Sallie Welch is refused, because it is not in the judgment.

Commission to the Five Civilized Tribes,

South McAlester, Indian Ter.

In the enrollment of Phoebe and Emeline Jefferson, children of Margaret Pebus, as Choctaws; being sworn and examined by Com'r McKennon she testifies as follows:

Q What is your name? A Margaret Pebus.

Q How old are you? A Thirty-five.

Q What was Phoebe's and Emeline's father's name? A Martin Gillum Jefferson.

Q Were you married to him? A Yes sir, under the Choctaw law., the other side of Krebbs, in the Choctaw Nation.

Q Who married you? A Holston James, a Chickasaw Indian preacher. I lived with him until he died, and I put him away.

Wiley A. Garvin being sworn and examined states:

Q What is your name? A Wiley A. Garvin.

Q How old are you? A Forty-four.

Q Are you a brother of Margaret Pebus? A Yes sir.

Q Were you present when she was married to Mr. Martin Gillum Jefferson? A Yes sir, I saw them married in the Choctaw Nation.

Q By whom? A Holston James, a Minister of the Gospel.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

M D Green

Department of the Interior.
Commission to the Five Civilized Tribes.
South McAlester, Ind. Ter., December 24th, 1902.

Original
Choctaw
Intermarried.

In the matter of the original application of Margaret Phebus for enrollment as an intermarried citizen of the Choctaw Nation.

Margaret Phebus, having been first duly sworn, upon her oath testifies as follows:

Examination by the Commission:

Q What is your name? A Margaret Phebus.
Q Spell your surname, please? A P h e b u s.
Q How old are you? A Thirty seven.
Q What is your post office address? A Carbon, Indian Territory.
Q Is that in the Choctaw Nation? A Yes sir.
Q How long have you been a resident of the Choctaw Nation? A All my life.
Q Have you lived here continuously all your life? A Yes sir.
Q What is the name of your father? A Wiley Garvin.
Q Is he living or dead? A He is dead.
Q What was the name of your mother? A Liddy Garvin.
Q Living or dead? A She is dead.
Q Do you claim to have any Indian blood? A Yes sir, by my mother.
Q Did you ever make application for enrollment as a citizen by blood
A I was enrolled as a citizen by blood of the Choctaw Nation.

The name of this applicant as Margaret Febus appears on the records of the Commission on Choctaw roll Card, Field No.4680, having been admitted to citizenship by blood in the Choctaw Nation by the United States Court, Central District, Indian Territory in Case Case No. 187.)

Q Do you now wish to make application for enrollment as an intermarried citizen of the Choctaw Nation? A Yes sir.
Q Have you ever applied as an intermarried citizen prior to this time? A No sir.
Q What is the name of the Choctaw man through whom you claim this right? A Gillum Jefferson.
Q Was he a recognized and enrolled citizen of the Choctaw Nation?
A Yes sir, he was.
Q Were his rights as such ever disputed? A No sir, because his daddy was a full blood.
Q When were you married to this man? A Seventeen years ago last February.
Q Where was the marriage ceremony performed? A At Carbon.
Q In the Choctaw Nation? A Yes sir.
Q At that time were both you and your husband bona fide residents of the Choctaw Nation? A Yes sir.
Q Who performed the marriage ceremony? A Holston James.
Q A minister of the gospel. A Yes sir.

Q Were you married under a license? A No sir.
Q Have you any evidence of that marriage with you? A There is a man in town here somewhere that saw me married.
Q Who is that man? A Dave Vincent and John Simpson.
Q Did you get a marriage certificate? A Yes sir.
Q What became of that certificate? A It is at home.
Q Were you ever married before your marriage to Gillum Jefferson? A No sir.
Q Was he ever married before his marriage to you? A No sir.
Q After that marriage how long did you live together as husband and wife? A Four years and three months before he died.
Q What was the date of his death? A 27th day of April; I couldn't tell what year, but it was eleven years ago last April.
Q After his death did you remarry? A Yes sir.
Q What was the name of your second husband? A Welch.
Q Was he a white man? A Cherokee.
Q Was he enrolled in the Cherokee Nation? A No sir, never was.
Q When were you married to him? A About seven years ago.
Q How long did you live with him? A Three years.
Q Did he die or did you separate? A We separated.
Q Were you divorced from him? A Yes sir.
Q Did you remarry? A Yes sir.
Q What was the name of your next husband? A William Phebus.
Q Is he a white man? A Yes sir.
Q He makes no claim to enrollment as an Indian? A No sir.
Q When were you married to him? A Four years ago last August.
Q Are you still living with him? A Yes sir.
Q Are you at present an actual and bona fide resident of the Choctaw Nation? A Yes sir.

---- oOo-----

Harry C Risteen, being first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 24th day of December, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Harry C Risteen

Subscribed and sworn to before me this 30 day of December, 1902.

Notary Public.

CHAC 587 Hamilton
Dust from Dirt Roads Re Silica

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application for the enrollment as a citizen by intermarriage of the Chickasaw Nation of-

L A U R A H A M I L T O N --------9-D-161.

-oOo-

In the matter of the application of Laura Hamilton to be enrolled a Chickasaw citizen, by intermarriage.

Laura Hamilton being sworn says:

I live at Kosoma C hoctaw Nation. At one time I was married to a man whose father was a Choctaw, and whose mother was a Chickasaw. His name was Pike Durant. I lived with him about three months. I left him. I left him because we could not get along. There was no other reason. He did not abuse me. He did not treat me right or I would not have left him. He got a divorce. He charged me with abandonment. I was not present at the trial. I got no notice of the trial.

I married a man five or six months after the divorce. His name was Hamilton and he is a United States citizen.

I am living in the Choctaw Nation. I have been living there for five years. I am 30 years old.

Martin a Crowder being sworn says :

I live in Jack Fork county, Choctaw Nation. I know Laura Hamilton. I was present when she married Pike Durant, a Chickasaw Indian. It was in 1884. I do not know anything about them having license. They were married by Rev. Ben Washington. I know that I was present and saw the marriage.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Chickasaw D-161.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 17, 1902.

Laura Hamilton,

Koscua, Indian Territory.

You are hereby notified that the application of yourself for enrollment as a citizen of the Chickasaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 5th day of May, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Chickasaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

Register.

T. B. Needles.

Commissioner in Charge.

Department of the Interior.

Commission to the Five Civilized Tribes.

In the matter of the application of Laura Hamilton for enrollment as an intermarried citizen of the Chickasaw Nation. ---D 161---

On the 10th day of March, 1902, the applicant was notified by registered mail, and on the 20th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were notified by registered mail, that the application of Laura Hamilton for enrollment as a citizen of the Chickasaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 7th day of May, 1902, for final consideration.

Now, on this 7th day of May, 1902, this cause coming on to be heard pursuant to said notice, the Chickasaw Nation failed to appear, and the applicant being called failed to appear either in person or by attorney.

---0---

Harry C Rainey being first duly sworn upon his oath states that he is stenographer to the Commission to the Five Civilized Tribes and reported in full all proceedings had in the above entitled cause on the 7th day of May, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Harry C Rainey

Subscribed and sworn to before me this 8th day of May, 1902.

Charles W. Sawyer

Notary Public.

9-D-161.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
ATOKA, INDIAN TERRITORY, SEPTEMBER 6, 1904.

In the matter of the application for the enrollment of Laura Hamilton as a citizen by intermarriage of the Chickasaw Nation.

Laura Hamilton being first duly sworn, testified as follows:

Examination by the Commission:

Q Your name is Laura Hamilton? A Yes sir.
Q What is your age? A Thirty-seven.
Q What is your post office address? A Antlers.
Q You claim as a citizen by intermarriage of the Chickasaw Nation? A Yes sir.
Q What is the name of the Chickasaw Indian through whom you claim those rights? A Pike Durant.
Q Is he a recognized and enrolled citizen by blood of the Chickasaw Nation? A Yes sir.
Q Is he living? A Yes sir.
Q When were you married to Pike Durant? A About twenty years ago.
Q Were you ever married before your marriage to Pike Durant? A No sir.
Q Was he ever married before his marriage to you? A No sir.
Q Of what nation were you a resident at the time of your marriage to Pike Durant? A Choctaw Nation.
Q Of what nation was Pike Durant a resident? A Of the Choctaw nation.
Q Under what law were you married to him? A Under the Choctaw law.
Q You did not get Choctaw license? A No sir.
Q Married by a minister of the gospel? A Yes sir.
Q How long did you live with Pike Durant? A Lived together about four months.

Q Did you live with him until his death? A He is not dead.
Q Where have you continued to reside since your marriage to Pike Durant? A Most all the time in the territory; was in Arkansas a little while.
Q When were you in Arkansas? A About two years ago.
Q How long did you live in Arkansas? A About two years.
Q When did you go there? A In 1901.
Q From the time of your marriage to Pike Durant up to 1901 you were a resident of the Choctaw-Chickasaw country? A Yes sir.
Q You lived in Arkansas from 1901 for two years? A I think about two years. Lived in the territory most of my life.
Q You have your marriage certificate with Pike Durant?
A No sir.
Q Can you get one? A Been so long I do not know.

It will be necessary, Mrs. Hamilton, for you to furnish, in the matter of your application for enrollment as a citizen by intermarriage of the Chickasaw Nation, either the original or a certified copy of your marriage certificate to Pike Durant or if you are unable to obtain that you must furnish the Commission with the affidavits of at least two eye witnesses of the marriage, giving the date of the marriage, by whom it was performed and whether or not he was a minister of the gospel.

Q About 1884 you married Pike Durant? A I think so.
Q What is the name of the man that married you? A George Washington, a full blood Indian. Martin Crowder interpreted the wedding.
Q Did you get a divorce from Pike Durant? A No sir. He got a divorce.
Q When was that divorce granted? A I could not tell you.
Q Since your divorce from Pike Durant have you married again? A Yes sir. I married a white man.
Q What is the name of the white man you married after you separated from Pike Durant? A Lafe Hamilton.
Q Lafe Hamilton claims no rights as a citizen of either nation. A No sir.
Q You were just married one time since that? A Yes sir.

Daisy D. Daubin states upon oath that she is stenographer to the Commission to the Five Civilized Tribes, she correctly recorded the testimony in the above entitled cause and that the foregoing is an accurate transcript of her stenographic notes thereof.

Daisy D. Daubin

Sworn to before me this the 12 day of Sept. 1904.

W. Humphrey

Notary Public.

Chickasaw D-161.

In the matter of the enrollment of Laura Hamilton as an intermarried citizen of the Chickasaw Nation.

PROTEST of
Choctaw and Chickasaw Attorneys

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
FEB 6 1904

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for enrollment as a citizen by intermarriage of the Chickasaw Nation of Laura Hamilton; Chickasaw field number D-161.

We hereby request, on behalf of the Choctaw and Chickasaw Nations, that final decision in this case be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of John C. Bradshaw vs. The Choctaw and Chickasaw Nations, number 3, on the Tishomingo docket, in which the said court will decide the question of the validity of that portion of the intermarriage laws of the Chickasaw Nation providing for the forfeiture of citizenship of white persons who separate from their Indian spouses which question is involved in the case to which this communication refers.

This request is filed under authority granted by the Honorable Secretary of the Interior in his communication to the Commission to the Five Civilized Tribes upon the subject, dated November 18, 1903.

Attorneys for the Choctaw & Chickasaw Nations.

January 23, 1904.

Affidavit of T. P. Boyett.

Central District,

Indian Territory.

T. P. Boyett, after having been by me sworn according to law, deposes and says ,------

My Name is T. P. Boyett, my Post Office is Antlers, I. T. I am 29 years old, I am acquainted with Laura Hamilton, have known her all my life , she is my sister. her maiden name was Laura Boyett, about the year 1884, she was married to Mr. Pike Durant, I was present when they were married, they were married XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX in the Choctaw Nation, at our home about one and one half miles from the mouth of Bois D'arc, I think it was in Blue County, they were married by a minister by the name of Washington, were married just like citizens were married and lived together as husband and wife, Mr. Martin Crowder did the interpreting for them,

Witness F. M. Leeds T. P. X Boyett
his mark

Subscribed and sworn to before me this the 10th day of Sept. 1904.

A. J. Arnett

Notary Public.

My Commission expires the 16th day of May, 1907.

Affidavit of Anna Cheadle.

Central District,

Indian Territory.

Anna Cheadle, after first being duly sworn by me, states on oath ; my name is Anna Cheadle, my Post Office is, Antlers, I. T. I am thirty three years old, I am acquainted with Laura Hamilton, I have known her all my life, she is my sister, her maiden name was Laura Boyett, about the year 1884, she was married to Mr. Pike Durant, in the Choctaw Nation, about one and one half miles from the mouth of Bois Dare, I think it was in Blue county, I was present when they were married, they were married by a minister by the name of Washington, were married just like other citizens were married at that time, they were married at our home, and lived together as husband and wife, Mr. Martin Crowder did the interpreting at the marriage.

Anna Cheadle

Subscribed and sworn to before me this the 10th day of Sept. 1904.

A. E. Wright

Notary Public.

My commission expires May 16th 1907.

9-D-161

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

O.L.J.
166

-oOo-

In the matter of the application for the enrollment of Laura Hamilton as a citizen by intermarriage of the Chickasaw Nation.

---: D E C I S I O N :---

It appears from the record herein that in the year, 1884, the applicant, Laura Hamilton, was lawfully married to Pike Durant, a recognized and enrolled citizen by blood of the Choctaw Nation, whose name (as Albert P. Durant) appears as No.13853 upon the lists prepared by this Commission under the Act of Congress approved July 1, 1902, (32 Stats., 641), of persons entitled to enrollment as citizens by blood of the Choctaw Nation, and approved by the Secretary of the Interior March 19, 1903; that at the time of said marriage both persons above mentioned were residents in good faith of the Choctaw Nation; that they lived together continuously as husband and wife in said Nation for a period of about four months, when they separated and were subsequently divorced; and that thereafter, in about 1885, the applicant herein married Lafe Hamilton, a noncitizen white man.

It appears from the evidence in this case that the applicant has resided continuously in the Choctaw-Chickasaw country from the date of her said marriage to Pike Durant, up to and including September 25, 1902.

It appears from the records in the possession of the Commission that the applicant is identified upon the 1885 Choctaw Census Roll, Blue county, No.740 (as Laura Durand).

It is therefore the opinion of this Commission that following the ruling of the Department in the case of Thornton D. Pearce (I.T.D. 4060-1904), relative to the question of forfeiture, Laura Hamilton should be enrolled as a citizen by intermarriage of the Choctaw Nation, in accordance with the provisions of the Acts of Congress approved June 28, 1898, (30 Stats., 495), and July 1, 1902, (32 Stats., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

C. R. Breedlove

Commissioner.

Muskogee, Indian Territory,

NOV 29 1904

Chickasaw D 161

COPY.

Muskogee, Indian Territory, November 29, 1904.

Laura Hamilton,

Antlers, Indian Territory,

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered November 29, 1904, granting your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling you as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, your name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Registered.

Incl. 9-D-161.

Chickasaw D 161

COPY.

Muskogee, Indian Territory, November 29, 1904.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission, rendered November 29, 1904, granting the application for the enrollment of Laura Hamilton as a citizen by intermarriage of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, her name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Registered.

Incl. 9-D-161.

See Choctaw 664 for registry receipt for this letter.

Muskogee, Indian Territory,
August, 18th 1900.

Laura Hamilton,
Kosoma, Indian Territory.

Dear Madam,-

You are hereby notified that the Chickasaw Nation, through its attorneys, Messrs McKennon, Mansfield, McMurray & Cornish, has filed with this Commissiona notice of protest to your enrollment as a citizen of the Chickasaw Nation.

For the purpose of hearing any additional testimony which may be offered by either you or the attorneys for the Chickasaw Nation, the Commissio will hold a session at Atoka, Indian Territory, commencing December, 3rd, 1900, at which time and place you will be allowed to offer any additional testimony which you may desire to submit in support of your application, such hearing to be final .

Yours truly,

Acting Chairman.

9-D-161

Muskogee, Indian Territory, September 15, 1902.

Laura Hamilton,

Keowee, Indian Territory.

Dear Madam:

The Commission is in receipt of your letter of the 8th instant in the matter of the protest filed by your enrollment as an intermarried citizen of the Cherokee Nation by the attorneys for the Cherokee and Delaware Nation.

You state in your letter that you have no other evidence to submit and that you are willing to rest your case on the testimony that is now in the possession of the Commission.

You are informed that the Commission will make your letter a matter of record and that the decision of the Commission as to your rights will be rendered as soon as possible after the session of the Commission at Muskogee next December.

Yours truly,

9-0161

Kelly, Chairman.

Muskogee, Indian Territory, March 1, 1901.

Laura Hamilton,

Konawa, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 24th of February in which you state that you have waited patiently for a report of the Commission in the matter of your rights as an intermarried citizen of the Chickasaw Nation. That on this account you have not located upon any of the lands in the Choctaw-Chickasaw country or have you made any improvements in either Nation.

You now request that the Commission inform you of its decision relative to your rights to intermarried citizenship in the Chickasaw Nation so that you may have the privilege of and enjoy some of the advantages of such a decision in selecting a home.

Replying to your letter the Commission has to inform you that it appears from our records that on October 12th, 1898 you appeared before the Commission and made application for enrollment as a citizen by intermarriage of the Chickasaw Nation. You stated at the time of your personal appearance that you were at one time married to a man whose mother was a Choctaw and whose father was a Chickasaw, by the name of Pike Durant and that you lived with him about six months. You then left him and he obtained a divorce charging you with abandonment.

You state further in your testimony that you were not present at the trial in the divorce procedure and received no notice of the same. About five or six months after the granting of this

L H R

divorce, you were married to a white man, a United States citizen by the name of Hamilton.

The Chickasaw Nation through its legal representatives, is now protesting to your final enrollment as a citizen by intermarriage of the Chickasaw Nation claiming, first, that you abandoned your Chickasaw husband and secondly that you forfeited your rights to recognition and enrollment as such intermarried citizen of the Chickasaw Nation by marrying a white man having no rights to Chickasaw citizenship by blood.

If it is your desire to offer any additional testimony in support of your application for enrollment as a citizen by intermarriage of the Chickasaw nation, the Commission will hear you or such witnesses as you may desire to present in your behalf, at its office in Muskogee, Indian Territory, at any time prior to April 1st, 1901. Up to and inclusive of that date, the Commission will accept for consideration, written briefs or arguments submitted by the Chickasaw Nation in support of its contention protesting to your rights to enrollment and will allow you until May 15th, 1901, in which to file written brief or argument in reply. Until after this latter date the Commission will not take up or act upon any protested enrollment cases and it may possibly be some months after that time before any final decision is reached in your case.

When these doubtful and protested cases are finally disposed of by the Commission, a decision will be rendered in each case, a copy of which will be mailed to the applicants, stating fully therein the reason for any action that may be taken by the Commission.

Yours truly,

Acting Chairman.

2-2-01.

Muskogee, Indian Territory, April 6, 1901.

Laura Hamilton,
Kenefic, Indian Territory.

Dear Madam:-

Receipt is hereby acknowledged of your letter of March 29, 1901, in which you make certain statements relative to your application for enrollment as an intermarried citizen of the Chickasaw Nation, and same has been duly filed with the records in your case.

Yours truly,

Acting Chairman.

9- D.161

Washington, D. C.

Mrs. Sira

In reply to your communication of the 14th inst. in which you state that you have no other evidence to offer, and as positively as you state that the case is pending for action, I feel that it would be useless for me to do anything further in the matter. I have no doubt but that the claim is a just one, and if you will furnish me with your address I will be glad to write to the Department in your behalf.

Very respectfully,

[illegible]

COPY

RECEIVED APR 25 1902 COMMISSION TO THE FIVE CIVILIZED TRIBES DEPARTMENT OF THE INTERIOR

D. C. No. 6088

Kosoma, Ind. Ter.
Apr 12th 1902.

To The Hon Commission To The Five Civilized Tribes
Muskogee, I. T

Hon. Sirs

In reply to your communication of the 17th ulto, in which you state my application for enrollment as a citizen of the Chickasaw Nation will be taken up for final settlement the 7th of May, 1902. Also notifying me of the opportunity to forward to you any additional evidence bearing on the case. I hereby beg leave to state that I have no other evidence to offer, and am perfectly willing to rest the case in your hands for final settlement, upon the evidence now in your possession. I will not be able to attend at that time in person, neither am I financially able to employ an attorney to represent me at that time. Therefore I am willing the case should be decided on its merits without further delay.

Very respectfully yours &

Laura Hamilton.

Chickasaw D 161

Muskogee, Indian Territory, October 14, 1902.

Laura Hamilton,

DeQueen, Arkansas,

Dear Madam:

Receipt is hereby acknowledged of your letter of October [illegible] in which you say that you have heard that the Choctaw and Chickasaw Nations have filed suit against "the scrip claimants and all similar cases" before the new citizenship court at South McAlester, Indian Territory, to be tried in December 1902, and you wish to be informed if your case will come under that head, and also what course to pursue in order to bring your case to a final determination as early as possible.

In reply to your letter you are informed that it appears from our records that you have been listed among the doubtful claimants for enrollment in the Chickasaw Nation, as an intermarried citizen of said nation, and it does not appear that you made application to this Commission in 1896 for citizenship in the Chickasaw Nation, nor that you were admitted to citizenship in said nation by the United States Court in Indian Territory, and the new citizenship court is therefore without authority to act upon your application. In the

L.H. 2

cision nor opinion has yet been rendered relative to your right to enrollment as an intermarried citizen of the Chickasaw Nation. As soon as such decision is reached you will be notified of the action of the Commission and the forwarding of the record in the case to the Secretary of the Interior for review.

Respectfully,

Commissioner in Charge.

Chickasaw D 161

Muskogee, Indian Territory June 5, 1903.

Laura Hamilton,

Antlers, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of May 29, in which you state that you are an intermarried citizen of the Chickasaw Nation and ask the status of your claim.

In reply to your letter you are informed that it appears from our records that you have been listed among the doubtful claimants to enrollment as an intermarried citizen of the Chickasaw Nation and your final right to such enrollment has not yet been determined. As soon as a decision is reached in your case you will be notified of the action of the Commission.

You inclosed with your letter a communication of the Commission of May 2, 1903, relative to the enrollment of Laura Hamilton a Chickasaw freedman, And you are advised that from the information contained in your former letter it was believed you were the Laura Hamilton referred to as having been enrolled by the Commission as a Chickasaw freedman.

Respectfully,

Commissioner in Charge.

9 - D 161

Muskogee, Indian Territory, September 15, 1903.

Laura Hamilton,

Antlers, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 8th instant, requesting to be advised relative to the status of your application for enrollment as an intermarried citizen of the Chickasaw Nation.

You are advised it appears from our records that you are listed as a doubtful claimant for enrollment as an intermarried citizen of the Chickasaw Nation, but no decision has yet been rendered by the Commission relative to your right to final enrollment as such. As soon as a decision is reached in your case you will be advised of the action taken by the Commission therein.

Respectfully,

Chairman.

Chickasaw D 161

Muskogee, Indian Territory, February 9, 1904.

Laura Hamilton,

Antlers, Indian Territory.

Dear Madam:

You are hereby advised that under direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Choctaw and Chickasaw Nations dated January 23, 1904, no further action will be taken relative to your enrollment as an intermarried citizen of the Chickasaw Nation until the Commission is further instructed by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

Chickasaw D 161

Muskogee, Indian Territory, February 9, 1904.

Laura Hamilton,

Antlers, Indian Territory.

Dear Madam:

You are hereby advised that under direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Choctaw and Chickasaw Nations dated January 23, 1904, no further action will be taken relative to your enrollment as an intermarried citizen of the Chickasaw Nation until the Commission is further instructed by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

Chickasaw D-161.

Muskogee, Indian Territory, July 28, 1904.

Laura Hamilton,

Antlers, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of July 25, in which you ask if any action has yet been taken in regard to your right as an intermarried citizen of the Chickasaw Nation.

In reply to your letter, you are informed that the Commission has not yet passed upon your application for enrollment as an intermarried citizen of the Chickasaw Nation, and before the same can receive consideration it will be necessary for you to appear before the Commission for the purpose of testifying relative to your intermarried status on September 25, 1903. Such personal appearance may be made before the Commission at its office in Muskogee, Indian Territory, at any time, or at the Choctaw Land Office, in Atoka, Indian Territory, September 6 and 7, or at the Chickasaw Land Office, Tishomingo, Indian Territory, September 8 and 9, 1904.

Respectfully,

Commissioner in Charge.

9-2-151

Muskogee, Indian Territory, September 26, 1904.

Laura Hamilton,

Antlers, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of the affidavits of Anna Cheadle and T. F. Boylett, relative to the marriage between yourself and your Chickasaw husband, Pike Durant, and the same have been duly filed with the records of the Commission in the matter of the application for your enrollment as an intermarried citizen of the Chickasaw Nation.

Respectfully,

JD.

Chairman.

W.O.B

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BEALL,
Secretary.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:
9-D-161.

Muskogee, Indian Territory, November 30, 1904.

J. B. Dickinson,

South McAlester, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 28th instant, stating that you are acting as agent for Mrs. Laura Hamilton, Antlers, Indian Territory, who claims citizenship in the Choctaw Nation by intermarriage, and you request to be advised relative to the status of her case.

You are advised that the application for enrollment of Laura Hamilton as an intermarried citizen of the Chickasaw Nation is now under consideration and as soon as a decision is reached therein you and the applicant will be duly notified of the action taken in the matter.

Respectfully,

Commissioner in Charge.

7-5871

Muskogee, Indian Territory, January 25, 1906.

Laura Hamilton,

Spencerville, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your letter of January 12, 1906, in which you state you are an intermarried citizen of the Choctaw Nation and you have been informed that the rolls have been opened for the enrollment of children of intermarried citizens, you therefore request blank for the purpose of making application for the enrollment of your six children as citizens of the Choctaw Nation.

In reply to your letter you are advised that if you desire to make application for the enrollment of your children as citizens of the Choctaw Nation under the ruling of the Department in the enrollment case of Mary Elizabeth Martin, there is inclosed herewith circular giving full information as to procedure to be taken in the presentation of cases of this character, and copy of the opinions of the Assistant Attorney General in this case.

Respectfully,

Acting Commissioner.

7-8871.

Muskogee, Indian Territory, July 11, 1906.

Laura Hamilton,

Spencerville, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of June 19, 1906, in which you state that you made application, before the Enrollment Party in the Field, for the enrollment of your children and have heard nothing in regard to the matter, and you advise this office that your post office address is Spencerville, Indian Territory, and request that all communications relative to this matter be addressed direct to you.

In reply you are advised that applications for the enrollment of six minor children of Laura Hamilton, an intermarried citizen of the Choctaw Nation, have been received at this office but no action has been taken thereon.

Your change of post office has been made a matter of record and you will be advised of such action as is taken in this case.

Respectfully,

Commissioner.

DCS.

Choc 5872 margaret wade

Trans from Choc #D-200 12-5-04

5872

7-D-200.

Record in the matter of the application for the enrollment as a citizen by intermarriage of the Choctaw Nation of:

MARGARET WADE.

D. 200

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

In the matter of the enrollment of Margaret Vann as Intermarried Cherokee being sworn and examined by Commissioner Wilson and the testimony

Q Name to Margaret Vann, sixty-two years old.
Did white the right to enrollment as an intermarried person?
A Yes sir.
Q With whom did you intermarry? A With Cunningham Vann
Q Was he a Cherokee citizen? A Yes sir, always recognized as a Cherokee citizen.
Q Have you married to him according to law? A Well according to Cherokee law Yes.
Q In what way? A By a County Judge.
Q Of the Cherokee Nation? A Yes sir. Of Tahlequah County.
Q What was his name? A Washington Whitehead.
Q Where was that? A Twenty-eight years ago.
Q Did you live with him until his death? A Yes sir, he lived about eight years.
Q Have you since married? A Yes sir.
Q To whom did you marry? A Married Baggett, James Baggett.
Q Was he a white man? A Yes sir.
Q Is he living yet? A Yes sir.
Q Are you living with him? A No sir, he left me.
Q Husband. Did Thompson Vanton ever put you all married?
A Yes, old Thompson.
Q Where is he? A I don't know, [redacted] he is to have or not, I haven't seen him.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

M D Graves

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, April 6, 1902.

Margaret Wade,		
vs.		D-200.
The Choctaw Nation.		

In the matter of the application of Margaret Wade for enrollment as a citizen by intermarriage of the Choctaw Nation.

On the 27th day of February, 1902, the applicant was notified by registered mail, and on the 5th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were also notified by registered mail that the application of Margaret Wade for enrollment as a citizen of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee Indian Territory, on the 5th day of April, 1902, for final consideration.

Now on this 5th day of April, 1902, this cause coming on to be heard pursuant to said notice, the Choctaw Nation appears by its attorneys, Mansfield, McMurray & Cornish, and the applicant being called failed to appear, and the case is submitted upon the evidence and record as now made up.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on the 5th day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of April, 1902.

Hal Belford

Subscribed and sworn to before me this 7 day of April, 1902.

Clarence Stallcord,

Notary Public.

Choctaw D-200.

Muskogee, Indian Territory, February 27, 1902.

Margaret Fuda,
Cameron, Indian Territory.

You are hereby notified that your application for enrollment as a citizen of the Choctaw Nation will be taken up by the Commission to the Five Civilized Tribes for final consideration at its office in Muskogee, Indian Territory, on the 8th day of April, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting said application.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

The Commission to the Five Civilized Tribes.

T. B. Needles.

Commissioner in Charge.

Register/

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
WISTER, I.T. Dec.16, 1902.

7-D200

In the matter of the application of Margaret Wade for enrollment as an inter married citizen of the Choctaw Nation?

Margaret Wade being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Margaret Wade.
Q How old are you? A I will be 66 the 20th of this month.
Q What is your post office address? A Cameron.
Q That's in the Choctaw Nation? A Yes sir.
Q How long have you been a resident of the Choctaw Nation? A Came here in '69.
Q Lived here continuously since that time? A Yes sir.
Q Never made your home anywhere else during that time? ANo sir.
Q Do you claim inter married rights in the Choctaw Nation? A Yes sir
Q What's the name of your Choctaw husband through whom you claim these rights? A Cunningham Wade.
Q Is he a recognized and enrolled citizen of the Choctaw Nation? A Yes sir.
Q Were his rights as such ever disputed? ANo sir.
Q When were you married to Cunningham Wade? A In '70December 2.
Q Where was this marriage ceremony performed? A Not very far from Cameron.
Q At that time were both you and your husband bona fide residents of the Choct aw Nation? AYes sir,
Q Who performed the marriage ceremony? A Judge Washington McDonald of Skullyville County.
Q Were you married under a license? A Yes sir.
Q Were you ever marriedprior to your marriage to Cunningham Wade? A Yes, I was married in the State of Arkansas.
Q What was the name of your first husband? A James Hall.
Q Was he a white man? A Yes sir.
Q Was he dead at the time of your marriage to this Indian man? A Yessir.
Q Was Cunningham Wade ever married before he married you? A Yes, once
Q What was the name of his former wife? A I can't tell you.
Q Was she dead at the time of your marriage to him? AYes sir.
Q How long did you live with Cunningham Wade as his wife after this marriage? A Eight years.
Q Did he die at the end of that time? A Yes sir.
Q You lived together continuously as husband and wife up to the time of his death? A Yes sir.
Q After his death did you re-marry? A Yes sir.
Q What is the name of your third husband? A James Haggard; they call him a white man, he claimed Choctaw blood but he never provedit.
Q When were you married to James Haggard? A In 1880.
Q Where was this marriage ceremony performed? A Near Cameron.

J. W. Wade

Q How long did you live with him? A Fifteen years.
Q Did he die or was he dead at that time? A He is.
Q Are you separated? A Yes, sir.
Q Are you at present an actual and bona fide resident of the Choctaw Nation? A Yes, I think so.
Q You live here? A Yes, sir.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case on December 16, 1902, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this 6 day of January, 1903.

Notary Public.

United States of America,
Indian Territory,
Central District.

Billie Beard being duly sworn deposes and says that she is a citizen of the Choctaw Nation by blood, and that she is 49 years of age.

I knew Cunningham Wade from shortly after the war to the time of his death in the winter of 1878. He was known as a Choctaw citizen, and I know that he participated as such in the elections in the Nation. He was an old school Presbyterian preacher. His rights as a Choctaw citizen were never questioned. He died in Skullyville County, Choctaw Nation, Indian Territory in 1878. I remember the date by the time of ~~xxx~~ my marriage.

I attended the marriage of Cunningham Wade to Margaret Brooks, and I know that they continued to live together as husband and wife until his death. He died in Skullyville County. I know the petioner to be the same person who was married to Cunningham Wade. I also know that Cunningham's Wade's nephews and nieces are regularly enrolled as Choctaw Citizens.

Billie Beard

Subscribed and sworn to before me this 24th day Of August, 1904.

S. C. Bolger

notary public.

My commission expires NOV. 1st, 1905.

United States of America,
Indian Territory,
Central District.

Mrs. Julia A. Beard being duly sworn deposes and says that she is 57 years of age and a citizen of the Choctaw Nation by blood.

I knew Cunningham Wade about ten years prior to his death, and he was known and regarded as a citizen of the Choctaw Nation by blood. It has been so long since his marriage and death that I have forgotten the dates.

I was present at his marriage to Margaret Brooks in Skullyville County, and I know that the petitioner, Margaret ~~Brooks~~ Wade, is the identical person who was married to Cunningham Wade, and who survives him as his widow.

Julia A Beard

Subscribed and sworn to before me this 24th day of August, 1904.

P. C. Bolger

Notary Public.

My commission expires Nov. 1st, 1906.

United States of America,
Indian Territory,
Central District.

Thomas J. Wall being duly sworn states that he is a citizen of the Cheetaw Nation by blood, and is 56 years old, and resides in Poteau, Indian Territory.

I was acquainted with Cunningham Wade about fifteen years prior to his death, which occurred about nineteen years ago. He was always regarded and known as a full-blood Cheetaw citizen, and I knew that he took part in all Cheetaw elections in his vicinity. His right as a citizen was never disputed, and his nephews and nieces are now regularly on the citizenship rolls as Cheetaws. He had no children.

I knew ~~[illegible]~~ that he and Margaret Brooks lived together as ~~[illegible]~~ husband and wife, and they were so regarded during his life time. I know that she continued to live on his place , and was in full possession of his personal property. Brooks was her ~~[illegible]~~ name, and she might have married someoneelse before she married him. I know ~~[illegible]~~ the petioner to be the same person who lived with Wade as his wife.

Thomas J Wall

Subscribed and sworn to before me this 24th day of August, 1904.

P. C. Bolger

Notary Public.

My commission expires Nov. 1st, 1905.

In re Application
of
Margaret Wade
Affidavits of
Lillin Beord
Julia A. Beord and
Thomas J. Wall.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 21 1904

Affidavit of Gilbert W.Dukes,

In re the application of Margaret Wade, for enrollment as an intermarried Choctaw.

On this 29 day of August 1904. personally appeared before me a notary public, within and for the Central District of the Indian Territory, duly commissioned and acting Gilbert W.Dukes who being duly sworn, upon his oath says:

I am 55 years of age, I knew Cunningham Wade, during his life time, I first knew him in the year 1859, or 1860.

I know of my own personal knowledge that Cunningham Wade, was a Indian by blood, Choctaw [redacted], and was recognised as such by the Choctaw authorities.

I frequently visited at the home of Cunningham Wade, and was well aquainted with him, and was also very well aquainted with his wife Margeret Wade who was a white woman.

I know that said Cunningham Wade and his wife Margeret Wade, lived together as man and wife, and were considered man and wife by all who knew them.

Margeret Wade, continued to live with said Cunningham Wade, as his wife until his death.

Sworn to before me this 29th day of August 1904

G. W. Dukes

Notary Public.

of Margaret Wade

Affidavit of

Eva Dukes

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 21 1904

I

I do certify that I have joined together in the bounds of,mat rimony the following named persons to wit:
James Haggard and Margeret Wade this the 22nd of April 1880,

Jermiah Ward

County Judge of Skullyville County

Choctaw Nation

I hereby certify the above to be a true and correct copy of the original presented to me for record .

This the 15th day of May 1880,

R. J. Ward

County Clerkof

Skullyville County Choctaw

I do hereby certify that the above is a true and correct and copy as recorded on page 172 in record book #1

County Clerk of

Skullyville County Choctaw Nation

This the 18th day of March 1903 .

Cameron
I.T.

Oct 17/1904

Han Comishion, yours of. the 12 asking as to whether I. wanted to be Enrolled. Under the Name of Haggard or Wade. I had. Been Dewarred. from, James Haggard. 8 years. and. want to. be Enroled by my Name Wade. I had Returned my Name Margaret Wade. and I had Went by that. name. Ever since I had. been Dewarred. from James Haggard, in 1896.

Yours, Truly,
Margaret Wade,

Indian Territory
Sparta District

Sworn & subscribed to before me this 17th day of Oct. 1904

Hosea L. Pilgrim
Notary Public

My com. expires Dec 9-07

7-D-200.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Margaret Wade for enrollment as a citizen by intermarriage of the Choctaw Nation.

--: D E C I S I O N :--

It appears from the record herein that the applicant Margaret Wade, on December 2, 1870, was lawfully married to Cunningham Wade, a recognized citizen by blood of the Choctaw Nation; that at the time of said marriage both the persons above named were residents in good faith of the Choctaw Nation and lived together in said Nation as husband and wife until the death of said Cunningham Wade in 1878; that thereafter the applicant herein was married to James Haggard, a white man having no rights of Choctaw citizenship by blood.

It further appears that the applicant herein was a resident in good faith of the Choctaw Nation from the date of her marriage on December 2, 1870, up to and including September 25, 1902.

It is, therefore, the opinion of this Commission that Margaret Wade should be enrolled as a citizen by intermarriage of the Choctaw Nation in accordance with the provisions of the acts of Congress approved June 28, 1898 (30 Stat. 495) and July 1, 1902 (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

C. R. Breckinridge.
Commissioner.

Muskogee, Indian Territory,

NOV 28 1904

Choctaw D-200.

COPY.

Muskogee, Indian Territory, November 28, 1904.

Margaret Wade,

Cameron, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered November 28, 1904, granting your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling you as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, your name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Registered.

Incl. 7-D-200.

Choctaw D-200.

COPY.

Muskogee, Indian Territory, November 28, 1904.

Harley & Young,

Attorneys at Law,

Wilburton, Indian Territory.

Sent to Jack & Harley, Le mcalester 12/2/05

Gentlemen:

You are hereby notified that the Commission to the Five Civilized Tribes, on November 28, 1904, rendered its decision granting the application for the enrollment of Margaret Wade as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, her name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED)

T. B. Needles.

Commissioner in Charge.

Registered.

Choctaw D-300.

COPY.

Muskogee, Indian Territory, November 28, 1904.

Guy F. Cobb,

Tishomingo, Indian Territory.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on November 28, 1904, rendered its decision granting the application for the enrollment of Margaret Wade as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, her name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

T. B. Needles.

Commissioner in Charge.

Registered.

Choctaw D-200.

COPY.

Muskogee, Indian Territory, November 28, 1904.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission rendered November 28, 1904, granting the application for the enrollment of Margaret Wade as a citizen by intermarriage of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, her name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

Registered.

Incl. 7-D-200.

See Choctaw 2648 for registry receipt for this letter.

Muscogee, Indian Territory,

August 18th, 1900.

Margaret Wade,

Cameron, Indian Territory,

Dear Madam:

You are hereby notified that the Choctaw Nation, through its attorneys, Pearce McKennon, Mansfield, Mcburney, & Cornish, has filed with this Commission a notice of protest toyour enrollment as a citizen of the Choctaw Nation.

The Commission, commencing December 3rd, 1900, hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Acting Chairman.

7-3-200.

Muskogee, Indian Territory, September 15, 1900.

Margaret Wade,

Care Frederick & Bucklew,

Poteau, Indian Territory.

Dear Madam:

The Commission is in receipt of letter of the 12th instant from Frederick & Bucklew, in which they request that you be furnished with a copy of the protest filed by Choctaw Nation as to your enrollment as a citizen by intermarriage of that Nation.

You are informed that the Commission cannot at this time furnish you with such a protest for the reason that the attorneys for the Choctaw Nation only furnished the Commission with a list of names of the parties whose rights to enrollment in the Choctaw Nation were doubtful and against whose enrollment the Nation made objection.

The Commission, however, in justice to these applicants whose rights have thus been protested, notified them of the filing of this objection and has also required of the attorneys for the Choctaw Nation, that, they prior to October 31st, 1900, serve notice on such applicants, stating therein the grounds upon which objection is made to their enrollment.

Since notifying you, however, of this notice filed by the Choctaw Nation, the Commission has been furnished with the grounds of such objection and the question of your enrollment is as to you having ' married out '.

M. W. 2--

The Commission is in possession of a sufficient statement of facts upon which a decision may be rendered in your case and it will not be necessary for you to appear at the appointment of the Commission at Atoka, beginning December 3rd next.

The Commission will accept and consider any written arguments and briefs on questions of law submitted by the Choctaw or Chickasaw Nations at any time prior to February 1st, 1901 and on your behalf at any time prior to March 1st, 1901.

As soon thereafter as practicable the Commission will consider and finally determine your right to enrollment and the decision of the Commission, stating fully its reasons for any action that may be taken, will be mailed to you at your proper post-office address.

Yours truly,

Acting Chairman.

In reply please
refer to 7-D-200.

1-2-200.

Muskogee, Indian Territory, April 1, 1903.

James Haggard.

Hartshorne, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of March 16, 1903, enclosing certified copy of the certificate of marriage between James Haggard and Margaret Wade; and the same has been duly filed with our records in the matter of the application of Margaret Wade for enrollment as an intermarried citizen of the Choctaw Nation.

Respectfully,

Chairman.

Choctaw D 200

Muskogee, Indian Territory, April 11, 1903.

Mrs. Margaret Wade,

Cameron, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your letter of April 5, inclosing the numbers of the land you desire to select in allotment, and asking to be advised if the same are allottable, in order that you may appear at the land office for the purpose of filing on said land.

In reply to your letter you are advised that it appears from our records that you have been listed among the doubtful claimants to enrollment as an intermarried citizen of the Choctaw Nation, and your final right to such enrollment has not yet been determined. As soon as a decision has been reached in your case you will be notified of the action of the Commission.

Relative to your appearing before the land office to make selection of your allotment, your attention is invited to rule fifteen of the rules and regulations governing the selection of allotments and the designation of homesteads in the Choctaw and Chickasaw Nations, a copy of which is herewith inclosed you.

Respectfully,

Rules for allotment.

Choctaw D 200.

Muskogee, Indian Territory, April 21, 1903

John T. Walker,

Texanna, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of April 13, asking relative to the enrollment of Mrs. Becky Wade, who claims to be a Choctaw Indian, and states that her father was Jack Wade and she has two sisters named Margaret and Maggie Wade.

In reply to your letter you are advised that it does not appear from our records that any person named Becky Wade, who answers the description given by you, has been listed for enrollment in the Choctaw or Chickasaw Nation, nor does it appear that any application has been made by or on her behalf for such enrollment.

It appears from our records that Margaret Wade, sixty two years old, daughter of Aaron and Martha Brooks, has been listed among the doubtful claimants to enrollment as an intermarried citizen of the Choctaw Nation, but it is not believed that this is the Margaret Wade referred to by you.

Respectfully,

Chairman.

7-D-800.

Muskogee, Indian Territory, April 28, 1903.

Harley & Young,

Attorneys at Law,

Wilburton, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 20th inst., referring to our communication of April 1, 1903, acknowledging receipt of certificate of marriage between James Moggard and Margaret Wade, in which you were advised that the same had been duly filed with our records in the matter of the application of Margaret Wade for enrollment as an intermarried citizen of the Choctaw Nation.

You state that you feel sure an error was made in our letter, as Margaret Wade is a citizen by blood.

You are informed that it appears from our records that on June 6, 1899, Margaret Wade, of Cameron, Indian Territory, 62 years of age, formerly the wife of Cunningham Wade, a citizen by blood of the Choctaw Nation, was duly listed for enrollment as an intermarried citizen of the Choctaw Nation.

It further appears from our records that Margaret Wade

PART 2

was the daughter of Aaron and Martha Hughes, both of whom were white.

Respectfully,

Chairman,

Choctaw D 203

Muskogee, Indian Territory, September 2, 1903.

Mrs. Margarate Wade,

Cameron, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of August 27, asking if you are on the approved roll of intermarried citizens of the Choctaw Nation, and if so, whether you can select your allotment of land.

In reply to your letter you are informed that it appears from our records that you have been listed among the doubtful claimants to enrollment as an intermarried citizen of the Choctaw Nation, and your final right to such enrollment has not yet been determined. As soon as a decision is reached in this case you will be notified of the action of the Commission.

Relative to the selection of your allotment at this time, your attention is invited to section fifteen of the rules and regulations governing the selection of allotments and the designation of homesteads in the Choctaw and Chickasaw Nations, copy of which is herewith inclosed you.

Respectfully,

Rules for allotment.

Chairman.

7-B-206.

Muskogee, Indian Territory, August 24, 1904.

Margaret Wade,

Cameron, Indian Territory,

Dear Madam:

In the matter of your application for enrollment as a citizen by intermarriage of the Choctaw Nation, it appears from your testimony given before the Commission that you were married to your Indian spouse, Cunningham Wade, through whom you claim your right to enrollment in the year 1870.

You are advised that it will be necessary for you to furnish evidence of your marriage to Cunningham Wade deceased. This may be done by filing with the Commission the original marriage certificate, or if that cannot be produced then a certified copy of the record of the same, and if never recorded you may furnish affidavits of persons who were present and say you married to said Cunningham Wade.

Respectfully,

Chairman.

7-D-200

Muskogee, Indian Territory, September 21, 1904.

Margaret Wade,

Cameron, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 5th instant, enclosing the affidavits of Stilin Beard, Julia A. Beard, Thomas J. Wall and Gilbert W. Dukes relative to the marriage between yourself and Cunningham Wade, a citizen by blood of the Choctaw Nation, and the same have been duly filed with the records of the Commission in the matter of your application for enrollment as an intermarried citizen of the Choctaw Nation.

Respectfully,

Chairman.

D-360.

Muskogee, Indian Territory, October 11, 1904.

Margaret Wade,
Cameron, Indian Territory,
Dear Madam:-

In the matter of your application for enrollment as a citizen by intermarriage of the Choctaw Nation, it appears from your testimony that in 1890, which was subsequent to the death of Cunningham Wade through whom you claim, you were married to James Haggard.

You are requested to at once advise this Commission whether or not, in the event your application for enrollment is granted by this Commission, you desire to be enrolled under the name of Margaret Haggard or Margaret Wade. If the latter, you will please forward to the Commission an affidavit stating that you are not now living with James Haggard, and have returned and are now living under your former name of Margaret Wade.

Respectfully,

Chairman.

Choctaw D 200

Muskogee, Indian Territory, October 21, 1904.

Margaret Wade,

Cameron, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your affidavit to the effect that you desire to be enrolled under the name of Margaret Wade, and the same has been filed with the record in your case.

Respectfully,

Chairman.

5870-

Muskogee, Indian Territory, December 6, 1904.

Harley & Lewis,

Attorneys at Law,

South McAlester, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of December 3, stating that the Choctaw and Chickasaw Citizenship Court has reversed its judgment in the case of Lydia Garvin, et al. versus the Choctaw and Chickasaw Nations, and has admitted Margaret Phoebus as an intermarried citizen of the Choctaw Nation. You therefore ask that she be permitted to file a contest for certain land claimed by her at once as the nine months' limit for the institution of contests expires within a short time.

In reply to your letter you are advised that the Choctaw Land Office has been directed to receive the application of Margaret Phoebus for land for the purpose of instituting contest, upon her personal appearance at that office.

Respectfully,

Chairman.

Choc 5873 Laura A. Jones

Trans from Choc #D-411 Dec 15, 1904

5873

Commission to the Five Civilized Tribes,

Atoka, Indian Territory.

In the enrollment of Laura A. Jones as an intermarried Choctaw being sworn and examined by Com'r McKennon she testifies:

Q What is your name? A Laura A. Jones.

Q How old are you? A Fifty.

Q You present a certificate of marriage to marry Noel Jones dated March 30th, 1895, you were married to him on that date? A Yessir.

Q He was a Choctaw citizen? A Yes sir.

Q How long did you live with him? A I lived with him a little over four years.

Q You are separated from him now? A Yes sir, since about four months.

Q You have been separated from him about four months?

A Yes sir.

Q Did either one of you obtain a divorce? A No sir, I have not.

Q What is the cause of your separation? A Starvation, that is what caused it; I had nothing to eat.

Q Didn't you know his condition when you married him? A It wasn't quite that bad when I married him; it grew worse and worse.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

This Certifies That
Saal Jesus
and L A Sorett
were Solemnly united by me in the
Holy Bonds of Matrimony on the March 30
A D 1895

Taylor Durant
P. G, M. E, G. S

COMMISSIONERS.
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BREDEEN.

ALLISON L. AYLESWORTH, SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Choctaw 1-411.

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 1, 1902.

Laura A. Jones,

Atoka, Indian Territory.

You are hereby notified that the application of yourself for enrollment as a citizen of the Choctaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 10th day of April, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

T. B. Needles.

Register.

Commissioner in Charge.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, April 10, 1902.

In the matter of the application of Laura A. Jones for enrollment as a citizen by intermarriage of the Choctaw Nation. D-411.

On the 1st day of March, 1902, the applicant was notified by registered mail and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were also notified by registered mail that the application of Laura A. Jones for enrollment as a citizen of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory on the 10th day of April, 1902, for final consideration.

Now on this 10th day of April, 1902, this cause coming on to be heard pursuant to said notice, the Choctaw Nation failed to appear, and the applicant being called, failed to appear either in person or by attorney.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on April 10, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of April, 1902.

Hal Belford

Subscribed and sworn to before me this 1st day of April, 1902.

Notary Public.

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Laura A. Jones as a citizen by intermarriage of the ChoctawNation, Choctaw Field No. D-411.

- - - - - - -

We hereby request, on behalf of the Choctaw and Chickasaw Nations, that final decision in this case be postponed until final decision by the Choctawand Chickasaw Citizenship Court in the case of B. F. Thompson vs. Choctaw and Chickasaw Nations, No. 38 on the South McAlester Docket, in which the said court will decide the question of the validity of that portion of the intermarriage laws of the Choctaw Nation providing for the forfeiture of citizenship of white persons who separate from their Indian spouses, which question is involved in the case to which this communication refers.

This request is filed under authority granted by the Honorable Secretary of the Interior in his communication to the Commission to the Five Civilized Tribes upon the subject, dated November 18, 1903.

Attorneys for the Choctaw and Chickasaw Nations.

January 23, 1904.

Choc. Intermarry Laura D-411.

Department of the Interior,
Commission to the Five Civilized Tribes.

Atoka, Indian Territory, September 7, 1904.

In the matter of the application of Laura A. Jones for enrollment as an intermarried citizen of the Choctaw Nation. D-411

LAURA A. JONES, having been first duly sworn, testified in her own behalf as follows:

Examination by the Commission.

Q What is your name? A Laura A. Jones.
Q How old are you? A Fifty-six.
Q What is your post-office address? A Atoka.
Q How long have you resided in the Choctaw Nation? A Going on 11 years now.
Q Lived here continuously for the past 11 years? A Yes, sir.
Q Never made your home outside of the Choctaw Nation? A No.
Q Where did you live before that? A When I come here, I come from Texas, and have been here ever since.
Q What is your father's name? A Yancy Atchison.
Q What is your mother's name? A Jane Atchison.
Q Are your father and mother living? A No, sir, they are dead.
Q Both white people? A Yes, sir.
Q Were your father and mother citizens of the United States? A Yes, sir.
Q You are an Applicant for enrollment as an intermarried citizen of the Choctaw Nation, are you? A Yes, sir. I married under the Choctaw laws.
Q What is the name of your Choctaw husband? A Noel Jones.
Q Is he a citizen by blood of the Choctaw Nation? A Yes, sir, he is a citizen by blood.
Q Is he living now? A Yes, sir; he lives about 8 miles from here.
Q When were you married to him? A 1885.
Q Who married you? A Taylor Durant.
Q Where were you married? A About 8 miles from here; due south of Atoka.
Q Were you ever married before you were married to Noel Jones? A Yes, sir, I was married twice; my first husband was Morris, the next man was Everet.
Q What was the name of your first husband? A James A. Morris.
Q When were you married to him? A When I was young.
Q Did you live with him until he died? A Yes, and these are my children.
Q Who did you marry after his death? A Everett. Lived at Denton, Texas.
Q Was he a white man? A Yes, sir.

Q Did you live with him until he died? A Yes, sir.
Q Were both these white husbands of yours dead when you married Noel Jones? A Yes, sir.
Q Was Noel Jones ever married before he married you? A Yes, sir, he told me he married once,--that is the mother of these children of his, and she got borned to death.
Q Who did he marry before he married you? A I don't know the name; they called her "Mary", I don't know her other name.
Q Was she dead? A Yes, sir.
Q He had no living wife? A No, sir, I never heard of none..
Q You were married to him in 1895? A Yes, sir.
Q What time in 1895? A The 30th day of March. He enrolled me on the old roll,--1896--we were marriedone year,--and then the next year he enrolled me at Atoka.
Q How long did you live with Noel Jones? A Ten years.
Q Is he dead? A No, sir, he is not dead.
Q Were you divorced from him? A No, sir.
Q Did you separate? A He left me and went to live with his children. He just goes about.
Q Is he living with any other woman? A No, sir, he is just staying with his children.
Q Are you his lawful wife at the present time? A Yes, sir.
Q There has never been any legal separation? A No, he just won't stay at home. He just wants to go about and about; go from one place to another. He left me and just went about and about and I couldn't stay at home by myself.
Q Who are you living with? A I live with one of my daughters.
Q At the time you married Noel Jones you were living here in the Choctaw Nation? A Yes, sir.
Q How long before the marriage had you been living here? A I come in the fall, and me and him was married in March the year after I got here.
Q Had Noel Jones always lived in the Choctaw Nation? A He had lived in the Choctaw Nation ever since he was born. He had lived in Jackson County.
Q Did Noel Jones always provide for you? A He didn't provide altogether for us, but I provided the best I could for us both, but we both worked. What he couldn't do I tried to do.

By the Commission: The applicant's husband, Noel Jones, appears upon the records of the Commission, as a full-blood Choctaw Indian, on Choctaw roll field card number 4080, and upon the final approved roll of the citizens by blood of the Choctaw Nation opposite number 11412.

Witness excused.

Mary E. Rogers, having been by me first duly sworn, on oath states that the above and foregoing is a full, true and correct transcript of her stenographic notes, as taken in said cause on said date.

Mary E. Rogers

Subscribed and sworn to before me on this 17th day of September, 1904.

Notary Public.

7-D-411.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Laura A. Jones as a citizen by intermarriage of the Choctaw Nation.

-: D E C I S I O N :-

It appears from the record herein that the applicant, Laura A. Jones, on March 30, 1895, was lawfully married to Noel Jones, a recognized and enrolled citizen by blood of the Choctaw Nation, whose name appears as number 11412 upon the lists prepared by this Commission, under the act of Congress approved July 1, 1902 (32 Stat., 641), of persons entitled to enrollment as citizens by blood of the Choctaw Nation and approved by the Secretary of the Interior on March 10, 1903; that at the time of said marriage both persons above mentioned were residents in good faith of the Choctaw Nation, and lived together in said nation as husband and wife for several years thereafter, when they separated, and that the applicant has not remarried.

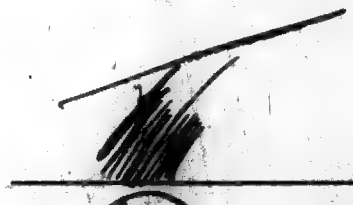
The name of the applicant (as Lucy Ann Jones) appears upon the 1896 Choctaw Census Roll, Atoka County, number 7280, enrolled thereon as a citizen by intermarriage of said nation.

It further appears that the applicant has been a resident in good faith of the Choctaw Nation from the date of her marriage on March 30, 1895, up to and including September 25, 1902.

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of Thornton D. Pearce (I.T.D. 4060-1904), relative to the question of forfeiture, Laura A. Jones should be enrolled as a citizen by intermarriage of the Choctaw Nation, in accordance with the provisions of the acts of Congress approved June 28, 1898 (30

Stat., 495), and July 1, 1902 (32 Stat., 641), and it is so ordered.

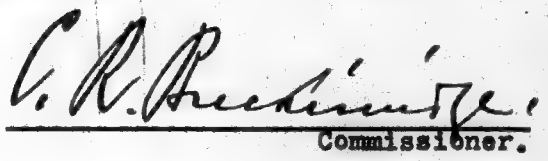
COMMISSION TO THE FIVE CIVILIZED TRIBES.



Chairman.



Commissioner.



Commissioner.

Muskogee, Indian Territory,

NOV 28 1904

Chectaw D-411.

COPY.

Muskogee, Indian Territory, November 28, 1904.

Laura A. Jones,

Atoka, Indian Territory,

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered November 28, 1904, granting your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling you as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, your name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Registered.

Incl. 7-D-411.

Choctaw D 411

COPY.

Muskogee, Indian Territory, November 28, 1904.

W. S. Farmer,

Attorney at Law,

Atoka, Indian Territory,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on November 28, 1904, rendered its decision granting the application for the enrollment of Laura A. Jones as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, her name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

Registered.

C o p y.

COPY.

Muskogee, Indian Territory, November 28, 1904.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission rendered November 28, 1904, granting the application for the enrollment of Laura A. Jones as a citizen by intermarriage of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, her name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

T. B. Needles.
Commissioner in Charge.

Registered.
Incl. T-D-411.

Say Choctaw 21 for two days, pending Tps this letter.

Choctaw D-411

Muskogee, Indian Territory, February 26, 1903.

Laura A. Jones,

Atoka, Indian Territory.

Dear Madam:

It is the present intention of the Commission to establish land offices in the Choctaw and Chickasaw Nations April 1, 1903. The Act of Congress approved July 1, 1902, provides:

"No person whose name does not appear upon the rolls as herein provided shall be entitled in any manner to participate in the distribution of the common property of the Choctaw and Chickasaw tribes."

It will be necessary, before your right to enrollment as an intermarried citizen of the Choctaw Nation can be determined, that you appear before the Commission and testify as to your status on September 25, 1902.

For this purpose the Commission has made an appointment at Atoka, Indian Territory, March 10 to 15, 1903, and you should personally appear at said place on one of the above dates for the purpose herein indicated. No further action can be taken relative to the determination of your right to enrollment until this testimony is received.

Respectfully,

Chairman.

Cheotaw D 411

Muskogee, Indian Territory, February 11, 1904.

Laura A. Jones,

Atoka, Indian Territory.

Dear Madam:

You are hereby advised that under direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Choctaw and Chickasaw Nations dated January 23, 1904, no further action will be taken relative to your enrollment as an intermarried citizen of the Choctaw Nation until the Commission is further instructed by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

Chickasaw 23.
Choctaw 7-11.
I.T.-Ok.

Muskogee, Indian Territory, May 21, 1904.

W. B. Farmer,
Attorney at Law,
Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of May 16, in which you ask the present status of the citizenship of Margaret Harkins, or Hawkins, an applicant for enrollment by intermarriage to W. H. Hawkins; also the status of Lenora A. Jones as an intermarried citizen of the Choctaw Nation, and the status of Jim, or Jesse Sholes as a Choctaw freedman.

In reply to your letter, you are informed that it appears from our records that Harris H. Hawkins, who has been enrolled as a citizen by blood of the Choctaw Nation, is the husband of Mary Hawkins, for whose enrollment as an intermarried citizen of the Choctaw Nation it does not appear that any application has been made to the Commission. If you will give further information concerning the Margaret Harkins or Hawkins of whom you inquire, stating Post Office and place application was made for her enrollment, the matter of your inquiry will receive further consideration.

You are further informed that James Sholes has been listed for enrollment as a Choctaw freedman but his name has not yet been placed upon the schedules of Choctaw freedmen prepared for forwarding

R. W.I.P.

To the Secretary of the Interior,

Referring to that part of your letter in which you ask the status of Louis A. Jones, you are informed that the Commissioner has not yet passed upon the application of Louis A. Jones for enrollment as an intermarried citizen of the Choctaw Nation, but will do same as promptly, also up the case for consideration and determination. As soon as a decision is reached hereon, you and the applicant will be notified of the action taken.

Respectfully,

Commissioner in Charge.

7-D-411.

Muskogee, Indian Territory, August 30, 1904.

Laura A. Jones,

Atoka, Indian Territory,

Dear Madam:

You are hereby notified that before further consideration can be given your application for enrollment as an intermarried citizen of the Choctaw Nation, it will be necessary for you to appear in person before the Commission to testify as to your intermarried status on September 25, 1902.

For this purpose you are requested to appear at Muskogee, Indian Territory, as soon as possible, or at the Land Office at Atoka, Indian Territory, on September the 6th or 7th, 1904, or at the Land Office at Tishomingo, Indian Territory, on September the 8th or 9th, 1904.

Respectfully,

Commissioner in Charge.

Choctaw D 411

Muskogee, Indian Territory, October 21, 1904.

W. S. Farmer,

Attorney at Law,

Ateka, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of October 17, asking that you be notified if further evidence is necessary in the case of Laura A. Jones, an applicant for enrollment as an intermarried citizen of the Choctaw nation.

In reply to your letter you are advised that the Commission is now considering the application of Laura A. Jones for enrollment as an intermarried citizen of the Choctaw Nation, and when a decision is reached you and the applicant will be notified of the action taken

In the event further evidence is necessary to enable the Commission to determine the rights of this applicant you will be notified.

Respectfully,

Chairman.

Muskogee, Indian Territory, November 30, 1904.

Linebaugh Brothers,
Attorneys at Law,
Atoka, Indian Territory.

Gentlemen:-

Receipt is hereby acknowledged of your letter of the 23rd instant, requesting to be advised relative to the status of the application for enrollment of Laura A. Jones as an intermarried citizen of the Choctaw Nation.

You are advised that the application for the enrollment of Laura A. Jones as a citizen by intermarriage of the Choctaw Nation is now under consideration by the Commission and as soon as a decision is reached in her case she will be duly notified of the action taken therein.

Respectfully,

Commissioner in Charge.

MEMORANDA.

(Date) Sept 2 1899.

Name .....

Choctaw ?..... County ..... Year..... No.....

Chickasaw ?..... County ..... Year..... Page.....

Citizen by blood ?..... Mother's citizenship .....

Intermarried citizen ?.....

Married under what law ?.....

License filed this day.....

Wife's name, Laura A. Jones

Choctaw ? yes County Atoka Year 96 No. 7280

Chickasaw ? County ..... Year ..... Page 129

Citizen by blood ? Mother's citizenship ~~yes~~

Intermarried citizen ? yes

Married under what law ? Choc

License filed this day yes

Names of children:

..... County..... Year..... Page..... No.....

..... County..... Year..... Page..... No.....

..... County..... Year..... Page..... No.....

..... County..... Year..... Page..... No.....

..... County..... Year..... Page..... No.....

..... County..... Year..... Page..... No.....

..... County..... Year..... Page..... No.....

..... County..... Year..... Page..... No.....

..... County..... Year..... Page..... No.....

..... County..... Year..... Page..... No.....

As to marriage declaration see testimony

On 96 roll Lucy Ann Jones

Dell

Choc 5874 Alice V. R. Burkes

Trans from Choc #D-812 Dec 15 1904

1435

In the matter of the application for the enrollment of Alice V.R. Burkes as a citizen by intermarriage of the Choctaw Nation.

7-D-812.

Choctaw D. 812.
7-27

Department of the Interior
Commission to the Five Civilized Tribes
Chickasha, I. T. October 15, 1902.

Original.

In the matter of the application for enrollment as a citizen by intermarriage of the Choctaw Nation of Alice Virginia Rebecca Burkes.

Alice Virginia Rebecca Burkes being first duly sworn testified as follows:

Examination by the Commission

Q What is your name? A Alice Virginia Rebecca Burkes.
Q How old are you? A Forty years old.
Q Your post office a dress? A Marlow.
Q How long have you resided in the Chickasaw Nation? A About fifteen years--may be about seventeen years.
Q Lived here continuously for that length of time? A Yes, sir.
Q What is your father's name? A Echols.
Q Full given name? A James D.
Q How do you spell that? A E-c-h-o-l-s
Q Is your father living? A No, sir.
Q What is your mother's name? A T. C. Calhoun.
Q Is your mother living? A No, sir; she died the 23rd of August
Q Your mother and father both white persons? A No, sir; my mother claimed to be a Mississippi Choctaw.
Q Your father a white man. A Yes; he was a white man.
Q Has your mother ever been recognized in any manner as a citizen of the Choctaw Nation? A No, sir.
Q Ever drawn any money as a member of the tribe? A No, sir.
Q Just claimed to be a Mississippi Choctaw? A Yes, sir.
Q Never has been granted any rights by the tribe or by the United States government? A No, sir.
Q You claim to be a white woman? A Yes, sir.
Q Don't make any claim as a Choctaw Indian? A No, sir.
Q You claim your right as an intermarried citizen? A Yes, sir.
Q You have never been recognized in any manner as a citizen of any tribe of Indians? A No, sir.
Q Ever drawn any money as a member in any tribe of Indians? A No, sir.
Q Making application for enrollment as a citizen by intermarriage of the Choctaw Nation? A Yes, sir.
Q The name of your husband is what? A J. D. Burkes.
Q He a citizen by blood? A Yes, sir.
Q How did he become a citizen? A He was always a citizen.
Q He was not always recognized by the tribe as a citizen? A Yes, he was always recognized by the tribe.

#2

The name of this applicants husband appears upon the records of the Commission as a citizen by blood of the Choctaw Nation as John D. Burkes, fifty-two years of age, on Choctaw roll card field number 77. He does not appear to have been recognized by the tribal authorities of the Choctaw Nation as a citizen of that tribe but was admitted to citizenship by the Commission to the Five Civilized Tribes under the provisions of the act of Congress of June 10, 1896.

Q When was you married to John D. Burkes? A I was married twenty-one years the 27th of August.
Q Have you lived with him continuously all that time? A Yes, sir.
Q Where were you married? A In Bulger, Texas, a little station right across the line.
Q Were you living in Texas at that time? A Yes; I was living there.
Q Where was your husband living? A He was living in the Chickasaw Nation.
Came across into Texas and married you twenty-one years ago? A Yes, sir.
Q Ever married to him in accordance with the Chickasaw tribal laws? A No, sir.
Q Are you now living with him? A Yes, sir.
Q No separation or divorce? A No, sir.
Q Lived together here in the Chickasaw Nation as man and wife for twenty-one years? A Yes, sir.
Q Have you any evidence of your marriage to J. D. Burkes? A Yes; you have it on yourrecord.
Q That was filed when he made his application in '96? A No, sir it was filed when we sent in the application for our last child. It was requested by the Commission.
Q At the time you married John D. Burkes he had no living wife from whom he had not been separated or divorced? A No, sir; he had been married twice but both of his women were dead.
Q Died prior to the time he married you? A Yes, sir.
Q What was the date of your marriage? A It was twenty-one years ago the 27th of August past.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause at Chickasha, Indian Territory, on October 15, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

G. Rosenwinkel

Subscribed and sworn to before me this 2 day of October 1902.

C. J. Harris

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED

OCT 19 1904

CHAIRMAN.

Indian Territory,

Southern District.

Before me, the undersigned authority, this day personally appeared Mrs. Alice V.R.Burkes who beingby me duly sworn to tell the truth, the whole truth and nothing but the truth deposes, and says: That on the ___day of _____A.D.1877, she was duly and legally married to John Hall; that the said John Hall died on the ___day of_____A.D.1881. Affiant further states that at the time of her marriage to John G. Burkes, a member of the Choctaw tribe or Nation of Indians by blood she had no living husband.

Attest: J.J. Briscoe

her
Alice V. R. X Burkes
mark

Subscribed and sworn to before me this the 14th day of October, 1904.

E.H. Bond

Notary Public.

7-77

MARRIAGE LIC

J. G. Burris
AND
Mrs. A. V. Nall

Issued August 24 1887
E. F. Bunch
County Clerk.

By John Bunch Deputy.

Recorded in Book 4 Page 91

Marriage Records.

E. F. Bunch Clerk.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 11 1900

MARRIAGE LICENSE

State of Texas

THE STATE OF TEXAS,
COUNTY OF COOKE. } I, A. J. THOMPSON, Clerk of the County Court of Cooke County,

hereby certify that the above and foregoing ..... pages of writing is a true and

correct copy of a ~~Copy of~~ Marriage License J. G. Burns & Miss. A. V. Ofall as it appears of record

in my office, in Volume H Page 31 Record of Marriages Cooke County, Texas.

To certify which I hereunto set my hand and official seal, at office, in the City of

Gainesville, Texas, this 31st day of August 1900

A. J. Thompson

County Clerk, Cooke County, Texas.

By J. H. Midkiff, Deputy.

MARRIAGE LICENSE

State of Texas,
Cooke County.

To any Judge of the County or District Court, Regularly Licensed or Ordained Minister of the Gospel, Jewish Rabbi, or Justice of the Peace, in and for said County of Cooke, Greeting:

You are hereby authorized to Solemnize the Rites of Matrimony between

Mr. J. G. Burke

and Mrs A. V. Hall

and make due return to the Clerk of the County Court of said County within Sixty days thereafter, certifying your action under this License.

WITNESS my official signature and seal of office at office in Gainesville, this 24th day of August A. D. 1887

E. F. Burch
Clerk of the County Court, Cooke Co

Jas Burch
Deputy.

I S. Crutchfield hereby certify that on the 27th day of August A. D. 1887 I united in marriage J. G. Burke and Mrs. A. V. Hall the parties above named.

Witness my hand this 30th day of August A. D. 1887

S. Crutchfield
Ordained Minister.

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Alice V. R. Burkes as a citizen by intermarriage of the Choctaw Nation, Choctaw Field No. D-812.

- - - - - - -

We hereby request, on behalf of the Choctaw and Chickasaw Nations, that final decision in this case be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of Preston Early, et al., vs. Choctaw and Chickasaw Nations, No. 64 on the South McAlester Docket, in which the said court will decide the question of the citizenship rights by intermarriage, if any, of those white persons who married with citizens by blood of the Choctaw Nation not in accordance with the tribal laws, which question is involved in the case to which this communication refers.

This request is filed under authority granted by the Honorable Secretary of the Interior in his communication to the Commission to the Five Civilized Tribes upon the subject, dated November 18, 1903.

Attorneys for the Choctaw & Chickasaw Nations.

January 23, 1904.

NF
6610

7-D-812.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Alice V. R. Burkes as a citizen by intermarriage of the Choctaw Nation.

-: D E C I S I O N :-

It appears from the record herein that on August 27, 1882, the applicant, Alice V. R. Burkes, was lawfully married to John G. Burkes, a recognized and enrolled citizen by blood of the Choctaw Nation, whose name appears as number 14173 upon the lists prepared by this Commission, under the act of Congress approved July 1, 1902 (32 Stat., 641), of persons entitled to enrollment as citizens by blood of the Choctaw Nation and approved by the Secretary of the Interior on April 11, 1903; that at the time of said marriage the applicant was a resident of the State of Texas and the said John G. Burkes was a resident in good faith of the Chickasaw Nation, and that said parties lived together continuously in said nation as husband and wife from the date of said marriage up to and including September 25, 1902.

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of Ella Jones (I.T.D. 6818-1904), Alice V. R. Burkes should be enrolled as a citizen by intermarriage of the Choctaw Nation, in accordance with the provisions of the acts of Congress approved June 28, 1898 (30 Stat., 495), and July 1, 1902 (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

C. R. Breckinridge
Commissioner.

Muskogee, Indian Territory,
NOV 28 1904

COPY.

Choctaw D 812.

Muskogee, Indian Territory, November 28, 1904.

Alice V. R. Burkes,

Marlow, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered November 28, 1904, granting your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling you as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, your name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

Registered.

Incl. 7-D-812.

COPY.

Choctaw D 418

Muskogee, Indian Territory, November 28, 1904.

W. I. Gilbert,
Attorney at Law,
Durban, Indian Territory.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on November 28, 1904, rendered its decision granting the application for the enrollment of Alice V. R. Burkes as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, her name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED)
T. B. Needles.

Registered.

Commissioner in Charge.

Choctaw 2 [illegible]

COPY.

Muskogee, Indian Territory, November 28, 1904.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission, rendered November 28, 1904, granting the application for the enrollment of Alice V. E. Burkes as a citizen by intermarriage of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, her name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

T. B. Needles.

Commissioner in Charge.

Registered.

Ltrl. 7-D-215.

See Choctaw [illegible] for receipts for this letter.

Choctaw D 812

Muskogee, Indian Territory, February 8, 1904.

A. V. Burkes,

Bailey, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your letter of January 26, asking the status of your enrollment as an intermarried citizen of the Choctaw Nation, and stating that you are the wife of John G. Burkes.

In reply to your letter you are advised that the Commission has not yet passed upon the application of Alice V. R. Burkes, wife of John G. Burkes, for enrollment as an intermarried citizen of the Choctaw Nation. As soon as a decision is reached in this case you will be notified of the action taken therein.

Respectfully,

Commissioner in charge.

Choctaw D #18

Muskogee, Indian Territory, February 10, 1904.

Alice V. R. Burkes,

Marlow, Indian Territory.

Dear Madam:

You are hereby advised that under direction of the Secretary of the Interior fs November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Choctaw and Chickasaw Nations dated January 23, 1904, no further action will be taken relative to your enrollment as a citizen by intermarriage of the Choctaw Nation until the Commission is further instructed by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

Y-D-813

Muskogee, Indian Territory, September 13, 1904.

S. I. Gilbert,

Attorney at Law,

Durham, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of the 7th inst., requesting to be advised relative to the present status of the citizenship of Mrs. A. V. R. Burke, wife of Jack Burke, deceased.

You are informed that the Commission has not yet passed upon the application of Alice V. R. Burke, wife of John D. Burke, for enrollment as an intermarried citizen of the Choctaw Nation. As soon as a decision is reached in this case she will be duly notified of the action taken therein.

Respectfully,

Chairman.

7-D-818.

Muskogee, Indian Territory, October 7, 1904.

Alice V. R. Burkes,
Care of John G. Burkes,
Marlow, Indian Territory,

Dear Madam:-

In the matter of your application for enrollment as a citizen by intermarriage of the Choctaw Nation, it will be necessary for you to furnish the Commission with your sworn statement setting forth whether or not you were married prior to your marriage to John G. Burkes, the Choctaw Indian through whom you claim your right to enrollment. If you had a living husband at the time of your said marriage to the said John G. Burkes, it will be necessary for you to furnish the Commission with a certified copy of the decree of divorce between you and your said former husband or husbands.

Respectfully,

Chairman.

T-D-612

Muskogee, Indian Territory, October 18, 1904.

W. I. Gilbert,

Attorney at Law,

Duncan, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of the 14th instant, enclosing the affidavit of Alice V. R. Burkes stating that her former husband John Hall died in 1881 and that at the time of her marriage to John G. Burkes she had no living husband, and the same has been duly filed with the records of the Commission in the matter of the application for enrollment of Alice V. R. Burkes as an intermarried citizen of the Choctaw Nation.

Respectfully,

Chairman.

Choc 5875 Mamie McGee

Trans from Choc ED 822 Dec 15 1914

5875

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Record in the matter of the application for the enrollment a a citizen by intermarriage of the Choctaw Nation of-

NANNIE McGEE 7-D-822.

Department of the Interior
Commission to the Five Civilized Tribes
Tishomingo, I.T.November 7, 1902.

Original.

In the matter of the application for enrollment as a citizen by intermarriage of the Choctaw Nation of Nannie McGee.

Nannie McGee being first duly sworn testified as follows:

Examination by the Commission

Q What is your name? A Nannie McGee.
Q Age? A Twenty-nine the 12th of next April.
Q What is your post office address? A Tishomingo.
Q Are you a citizen by blood of the Choctaw or Chickasaw Nation? A No, sir.
Q You claim the right to enrollment as an intermarried citizen of the Choctaw Nation? A Yes, sir.
Q What is the name of your husband through whom you claim the right to enrollment? A Andrew Collins.
Q Is he living? A He is,--well he was the last time I heard from him.
Q Is he a citizen by blood of the Choctaw Nation? A Yes, sir.
Q What was the name of his father? A Mike Collins.
Q What was the name of his mother? A I could not tell you; his mother died when he was small; I never heard him say what her name was.

Andrew Collins is listed for enrollment as a citizen by blood of the Choctaw Nation on Choctaw card, field number 2732.

Q When were you married to Andrew Collins? A 13 or 14 years ago, the 14th day of November; I would not be certain whether it was the 13th or 14th.
Q Where were you married ? A In Skullyville.
Q In the Choctaw Nation? A Yes, sir.
Q How long had you lived in the Choctaw Nation before you married Andrew Collins? A Two years.
Q Where was he living at the time you married him? A There in the Choctaw Nation.
Q You know how long he had been a resident of the Choctaw Nation before you married him? A Ever since his borth.
Q Who performed your marriage ceremony? A Ferguson.
Q Do you know his given name? A No, sir.
Q Was he a preacher or official of the tribe? A He was an ordained preacher by the Choctaw Nation.
Q Did you get a marriage certificate? A After I married, Yes, sir
Q What became of that Marriage certificate? A It got destroyed or something, --the time of the old Court house---.
Q How long did you live with Andrew Collins as his wife? A A few days over ten months, I think nine months and twenty days, I dis-remember which and he left me.
Q Where were you living; on a place of your own? A Living on his brother's place there in Potbam bottom.
Q What was the cause of the separation? A I could not tell you that there was any cause, he got up and left me and I did not know it until he was gone.

Q Did you continue to live where you had been living before the separation? A I stayed about five weeks and then came to the Chickasaw Nation.
Q Did you hear from your husband during that five weeks? A No, sir; not for nearly a year.
Q Do you know where he went to after he left you? A He told me after he came out here that he went to the Cherokee Nation.
Q Did he make any effort afterwards to have you came back to live with him as his wife? A No, sir; he made two trips out here to see his little girl.
Q How many children have you by Andrew Collins? A One;--Nellie Collins.
Q You remained in the Choctaw Nation at the place where you had been living with your husband for about five weeks and then removed to the Chickasaw Nation? A Yes, sir--twelve years the first of this month.
Q How long after you removed to the Chickasaw Nation was it before your husband came out here to see his little girl? A Shewas going on three years old.
Q How old was she when you removed to the Chickasaw Nation? A She was close on to four or five weeks.
Q She was born then about the time your husband left you? A She was three days old when he left me.
Q When he came to see his little girl did he make any explanation to you as to why he left you? A He stated that his parents were the cause of it.
Q Were his parents living with you at the same place, with you and your husband when you lived together? A Yes; his father and step mother lived in the same house with us.
Q Did you ever have any trouble, any words with his father or step-mother? A No, sir; no words whatever.
Q Did you afterwards procure a divorce from him? A Here in the Chickasaw Nation I did.
Q Where were the proceedings for that divorce instituted, here in the Chickasaw courts? A Yes, sir.
Q Of what County? A Tishomingo County.
Q Who was Judge at that time? A Judge Kemp.
Q Judge Benjamin F. Kemp? A Yes, sir.
Q Was Andrew Collins your first husband? A Yes, sir.
Q Were you his first wife? A Yes, sir.
Q After you were divorced from Andrew Collins were you remarried again? A Yes, sir; I married Arch McGee.
Q Is Arch McGee living? A No, sir; he is dead.
Q Was he a citizen by blood of the Choctaw or Chickasaw Nation.? A Of the Chickasaw Nation.
Q What was the name of his father? A Cornelius McGee.
Q You know the name of his mother? A No, sir; she died when he was small.
Q How many children did you have by Arch McGee? A Two.
Q What are their names? A Minnie and Isaac.

Arch McGee and his two children Minnie and Isaac McGee are listed for enrollment as citizen by blood of the Chickasaw Nation on Chickasaw card, field number 736.

Q Whenx were you married to Arch McGee? A In what year?--I married him October of the year when the annuity was paid.
Q About nine years ago? A Yes; I don't remember what day of the month it was.

Q Were you his first wife? A No, sir.
Q How many times had Arch McGee been married before he married you? Twice he claims.
Q Were his first wives dead when you married him? A His first wife was living; his second one was dead.
Q What was the name of his first wife? A I could not tell you; she was a full blood; she was Joe Muse' first wife.
Q Do you know whether Arch McGee had secured a divorce from her before you were married? A Well--of course he had.
Q You know where it was granted? A Here in Tishomingo County, I suppose.
Q Did you live with Arch McGee from the time of your marriage to him up until his death? A Yes, sir.
Q There had been no separation between you up until that time? A No, sir.
Q Have you remarried since the death of Arch McGee? A No, sir.
Q What was your father's name? A Ben Duncan.
Q Is he living? A Yes, sir.
Q Is he a citizen by blod of either Nation? A No, sir; he don't claim to be.
Q What is the name of your mother? A Elizabeth.
Q Is she living? A Yes, sir.
Q Is she a citizen of either Nation? A No, sir
Q Is your child Nellie living with you at the present time? A No, sir; she is boarding with h er grandfather's going to school here in town.
Q With your father? A Yes, sir.

Nellie Collins the daughter o f Andrew Collins and Nannie Duncan is listed for enrollment as a citizens by blood of the Choctaw Nation on Choctaw card, field number 2732.

Witness excused.....

Benjamin F. Kemp called as a witness first duly sworn testified:

Q What is your name ? A Benjamin F. Kemp.
Q What is your age? A Nearly seventy.
Q What is your post office address? A Tishomingo.
Q Are you a citizen by blood of the Chickasaw Nation? A Yes, sir.
Q What official positions in the Chickasaw Nation have you held? I have held several; I have been County Judge, District Judge, Sheriff and member of the legislature and I have been nearly everything.
Q During what years were you County and Probate Judge? A I was District Judge.
Q Of what District? A Chickasaw District; Chickasaw Nation. We only have one District Judge for the whole Nation.
Q Are you acquainted with Nannie McGee formely Nnnie Collins? A Yes, sir.
Q Do you know whether or not you were Judge at the time she instituted proceedings for a divorce from her husband Andrew Collins? A Yes, sir; I was.
Q Do you know who instituted the proceedings? A She did.
Q Do you know whether or not she filed in that case any evidence of her marriage to Andrew Collins? A I guess she did; that is always done. In the case of a divorce they always set up in their petition the time they were married. There is so many of that kind that I could remember just exactly whether she did.
Q Do you know whether or not she is a citizen by blood? A No, sir; I don't know.

Q Is she a white woman to the best of your knowledge? A Yes; she only claimed to be Choctaw by marriage to one Collins.
Q Was it a rule of the Court or the law to require evidence of marriages to a citizen where a white person sought to institute proceedings for a divorce in your Court? A No, sir; that was not required.
Q Would your Court take jurisdiction in divorce proceedings between two white persons? A No, sir, not if they knew it. They have to set out that they are either Chickasaws or Choctaws. If there was nothing to the contrary we took it for granted, unless there was some objections. Her right has never been questioned as a Choctaw that I know of.
Q About what year was that? A I expect it was about ninety-three.
Q Where are the records of the Court for that year? A Mr. Brown has the record, Mr. Joe Brown and Mr. Robert McKinney who was clerk of the Court at that time has the Marriage Certificate.
Q Where is Mr. Albert McKinney? He is right here.

Evidence of the marriage between Mannie Collins and Arch Mc Gee offered in evidence and filed herein.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on November 7, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

G Rosenwinkel

Subscribed and sworn to before me this 11th day of November 1902

[illegible]
Notary Public.

7-D-822.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Nannie McGee as a citizen by intermarriage of the Choctaw Nation.

-: D E C I S I O N :-

It appears from the record herein that the applicant, Nannie McGee, in December 1892, was lawfully married to Andrew Collins, a recognized and enrolled citizen by blood of the Choctaw Nation, whose name appears as number 7972 upon the lists prepared by this Commission, under the act of Congress approved July 1, 1902 (32 Stat., 641), of persons entitled to enrollment as citizens by blood of the Choctaw Nation and approved by the Secretary of the Interior on January 17, 1903; that at the time of said marriage both persons above mentioned were residents in good faith of the Choctaw Nation; that they lived together in said nation as husband and wife for about ten months, when they separated and were afterwards divorced; that shortly after said separation the applicant herein removed to the Chickasaw Nation, and on November 21, 1893, was lawfully married to Arch McGee, a recognized and enrolled citizen by blood of the Chickasaw Nation, whose name appears (as Archie McGee) number 2176 upon the lists prepared by this Commission, under the act of Congress approved July 1, 1902 (32 Stat., 641), of persons entitled to enrollment as citizens by blood of the Chickasaw Nation and approved by the Secretary of the Interior on December 12, 1902, but he having died prior to September 25, 1902, his enrollment was cancelled by the Department on May 24, 1904; that the applicant and said Arch McGee lived together as husband and wife until the time of his death; that the applicant herein has been a resident in good faith of the Choctaw-Chickasaw country from the date of her marriage to Andrew Collins in December 1892, up to and including

September 25, 1902.

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of Thornton D. Pearce (I. T. D. 4060-1904), relative to the question of forfeiture, Nannie McGee should be enrolled as a citizen by intermarriage of the Choctaw Nation, in accordance with the provisions of the acts of Congress approved June 28, 1898 (30 Stat., 495), and July 1, 1902 (32 Stat., 641), and it is so ordered.

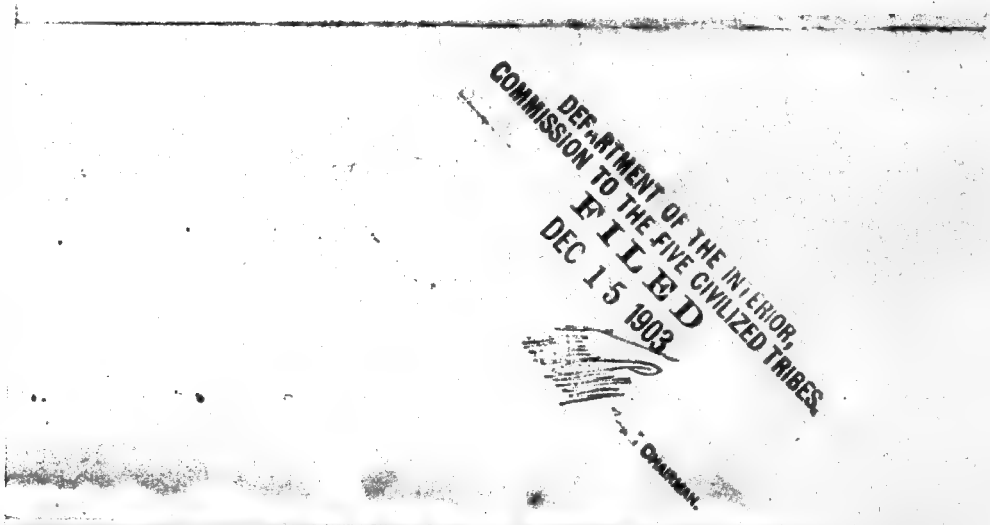
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
NOV 2 6 1904


DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
DEC 15 1903
CHAIRMAN.

7887

R. P. FERGUSON,

• DEALER IN •

GENERAL MERCHANDISE.

SPOT CASH HOUSE.

Spiro, Ind. Ter., _____ 190

Indian Territory }
Central District } On this day personally
appeared before me R. P. Ferguson, of Spiro, I.T.
Central District, I.T. who deposes and after
being sworn says that he is 31 years old
and has been living in this Central District
and that he was present and witnessed
the marriage of Andrew J. Collins and
Nannie G. Lucas now and heretofore
Choctaw Nation, Central District, I.T.
in the month of Dec 1894 or 95.

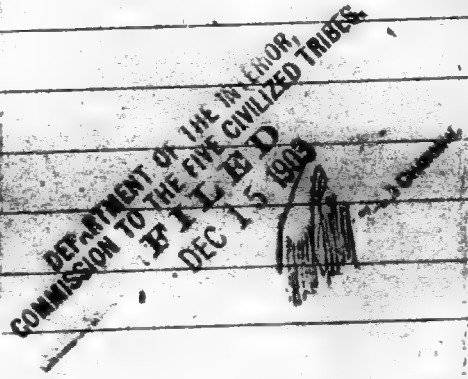
Wit. to sig. R. P. Ferguson

E. R. Beasley

Subscribed and sworn to before
me this 8th December, 1903, A.D.

Rue V. Smith
Notary Public.

1428


DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
DEC 15 1903

Personally appeared before me
J. G. Winchworth of Paul Pau Choctaw
Northern District, who after being
duly sworn, Deposeth and says.
That he is 54 years of age. That he
was present and witnessed the
marriage between Andrew J.
Collins & Nannie E Duncan
near old Skullivill, Choctaw Nation
Indian Terr in the month of December.
1892. J. G. Chapman
X J. G. Chirworth
Subscribed and sworn to before me this
the 7 day of Dec 1903.
(Witness signature)
X C. F. Watts (Seal)
Notary Republic
My Commission
Expires August
18 1907

In the case of

Nannie McGee

as a citizen by intermarriage of the Choctaw Nation

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
NOV 5 1902

ACTING CHAIRMAN.

J. Dr

Marriage Certificate.

This is to certify that I, Ben. Kemp. District Judge of the Chickasaw Nation. did this day unite Arch McGee. and Nannie Collins. in the holy bonds of Wedlock. this the 21st day of November. 1893.

Ben Kemp.
District Judge. C. N.

Witnesses.
H. F. Murry.
Noah McGill.

Recorded Dec 2nd 1893.
A. T. McKinney
Clerk D. C. C. N.

Daugherty. I. T.
Jan 27th 1900

Office of County and Probate
Clerk of Tishomingo County. C. N.
I. Edward Turner. County clerk of
Tishomingo. County. C. N. Do hereby
certify That the Marriage Certificate
of Arch McGee. who Married
Nannie Collins. is a true and correct
copy of the same. on record in
this my Office. in Marriage record
of said County. and Nation. Book 2 at
page 137.

Given under my
hand and seal of. Office
on this the 27 day of January
A. D. 1900.

Edward Turner.
Clerk of Tishomingo.
Co. C. N.

Choctaw D-822.

In the matter of the enrollment of Nannie McGee as an intermarried citizen of the Choctaw Nation.

PROTEST of
Choctaw and Chickasaw Attorneys

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
FEB 6 1904

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Nannie McGee as a citizen by intermarriage of the Choctaw Nation, Choctaw Field No. D-822.

- - - - - - -

We hereby request, on behalf of the Choctaw and Chickasaw Nations, that final decision in this case be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of B. F. Thompson vs. Choctaw and Chickasaw Nations, No. 38 on the South McAlester Docket, in which the said court will decide the question of the validity of that portion of the intermarriage laws of the Choctaw Nation providing for the forfeiture of citizenship of white persons who separate from their Indian spouses, which question is involved in the case to which this communication refers.

This request is filed under authority granted by the Honorable Secretary of the Interior in his communication to the Commission to the Five Civilized Tribes upon the subject, dated November 18, 1903.

Attorneys for the Choctaw & Chickasaw Nations.

January 23, 1904.

Choctaw D 822

COPY.

Muskogee, Indian Territory, November 26, 1904.

Mannie McGee,

Box 44,

Sulphur, Indian Territory,

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered November 26, 1904, granting your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling you as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, your name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Registered.

Incl. T-D-822.

Choctaw D 822

COPY.

Muskogee, Indian Territory, November 26, 1904.

Young & Newman,

Attorneys at Law,

Tishomingo, Indian Territory,

Gentlemen:

You are hereby notified that the Commission to the Five Civilized Tribes, on November 26, 1904, rendered its decision granting the application for the enrollment of Nannie McGee as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, her name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Registered.

Choctaw D 822.

COPY.

Muskogee, Indian Territory, November 26, 1904.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy ofthe decision of this Commission rendered November 26, 1904, granting the application for the enrollment of Nannie McGee as a citizen by intermarriage of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, her name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

T. B. Needles.

Commissioner in Charge.

Registered.

Incl. 7-D-822.

See Choctaw 4814 for registry receipt for this letter.

7 D-622.

Muskogee, Indian Territory, November 23, 1903.

Nannie McGee,

Tishomingo, Indian Territory.

Dear Madam:

It appears from the records of the Commission that you are an applicant for enrollment as a citizen by intermarriage of the Choctaw Nation, claiming your right thereto by reason of your marriage to Andrew Collins a recognized and enrolled citizen by blood of the Choctaw Nation.

You are advised that it will be necessary for you to furnish the Commission with the original or a certified copy of the marriage certificate between you and the said Andrew Collins, or in case that cannot be furnished then you should furnish the Commission with the sworn statement of two disinterested witnesses who were present and witnessed your marriage to Andrew Collins under the Choctaw Law.

This matter should receive your immediate attention as, until this evidence is received, nothing further can be done in the matter of your enrollment as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

7-D-321

Muskogee, Indian Territory, December 18, 1903.

Mannie McGee,

Tishomingo, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of the affidavits of R. P. Ferguson and J. C. Ainsworth relative to your marriage to Andrew J. Collins; and the same have been duly filed with the records of the Commission in the matter of your application for enrollment as an intermarried citizen of the Choctaw Nation.

Respectfully,

Chairman.

Choctaw D 822

Muskogee, Indian Territory, February 10, 1904.

Mannie McGee,

Tishomingo, Indian Territory.

Dear Madam:

You are hereby advised that under direction of the Secretary of the Interior of November 18, 1904, and upon a protest filed with the Commission by the attorneys for the Choctaw and Chickasaw Nations dated January 23, 1904, no further action will be taken relative to your enrollment as an intermarried citizen of the Choctaw Nation until the Commission is further instructed by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

7-D-822

Muskogee, Indian Territory, September 20, 1904.

Nannie McGee,
Box 44,
Sulphur, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 14th instant, requesting to be advised relative to the status of your application for enrollment as an intermarried citizen of the Choctaw Nation.

You are informed that the Commission has not passed upon your application. As soon as a decision is reached in your case, you will be duly notified of the action taken therein.

Respectfully,

Chairman.

Muskogee, Indian Territory, September 23, 1904.

Messrs Young & Newman,
Attorneys at Law,
Tishomingo, Indian Territory.

Gentlemen :-

Receipt is hereby acknowledged of your letter of the 15th inst., requesting to be advised as to the present status of the application of Nannie McGee for enrollment as a citizen by intermarriage of the Choctaw Nation. You state in your letter that on December 15, 1903, the Commission acknowledged receipt of the affidavits of R. P. Ferguson and J. C. Ainsworth, relative to the marriage between Nannie McGee and Andrew Collins, which was the last report from the Commission in reference to the matter.

In reply, you are informed that under date of February 10, 1904, the applicant, Nannie McGee, was advised by this Commission, by letter addressed to her at Tishomingo, Indian Territory, that under direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Choctaw and Chickasaw Nations dated January 23, 1904, no further action would be taken relative to her application for enrollment until the Commission was further instructed by the Secretary of the Interior.

Instructions have been received from the Secretary of the

Y.A M. B.

Interior, covering the question involved in the Nannie McGee case. The same question, however, is involved in a number of other cases, and they are being taken up and decisions rendered by the Commission, in their order. As soon as a decision is reached in the Nannie McGee case, she will be furnished with a copy thereof.

Respectfully,

Chairman.

Choc 5876 Roscoe Lee Williams

Trans from Choc #D-843 Dec 15, 1964

5876

(1) (1)

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment as a citizen by intermarriage of the Choctaw Nation of-

ROCKY LEE WILLIAMS 7-D-843.

Choctaw
Original

Department of the Interior.
Commission to the Five Civilized Tribes.
Garvin, I. T., November 26th, 1902.

---------oOo---------

In the matter of the application of Rocey Lee Williams for enrollment as a citizen by intermarriage of the Choctaw Nation.

Rocey Lee Williams being first duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Rocey Lee Williams.
Q How old are you? A Twenty.
Q What is your post office address? A Garvin.
Q How long have you lived in the Choctaw Nation? A Been here three years.
Q Lived here three years? A Yes sir.
Q Lived here continuously for the past three years? A Yes sir.
Q Where did you live before that? A I lived in the Chickasaw Nation.
Q How long did you live in the Chickasaw Nation? A I lived there three years.
Q What is the name of your father? A Alvis Pigg.
Q Is he living? A Yes sir.
Q Is he a white man? A Yes sir.
Q What is the name of your mother? A Ellen Pigg.
Q Is she living? A No sir.
Q Was she a white woman? A Yes sir.
Q Did either one of your parents ever make claim to enrollment as a member of any Indian tribe? A No sir.
Q Do you now wish to make application for enrollment as an intermarried citizen of the Choctaw Nation? A Yes sir.
Q Were you ever before this Commission before? A No sir.
Q What is the name of your Choctaw husband through whom you claim intermarried rights? A Choctaw?
Q Yes? A My Choctaw husband?
Q Yes, what is the name of your Choctaw husband through whom you claim intermarried rights; don't you know his name?
A Abner Williams.
Q Is he a recognized citizen of the Choctaw Nation? A I didn't understand you.
Q Is he a recognized citizen of the Choctaw Nation? A Yes sir.

The name of the applicant's husband, Abner Williams, appears upon the records of this Commission on Choctaw roll card, field No. 534, herein [illegible] for enrollment as a citizen by blood of the Choctaw Nation upon the identification of his name on the 1896 Choctaw census roll, Red river county, No. 13,641.

Rocey Lee Williams--2.

Q When were you married to Abner Williams? A Year before last.
Q What month andday? A I don't know; 13th of June I believe; I think it was the 15th.
Q 15th of June, 1900? A 1900.
Q Where was this marriage ceremony performed? A At Bokchito.
Q How long had you lived in the Choctaw Nation at the time of your marriage to Abner Williams? A Two years.
Q Who married you--who performed the marriage ceremony? A No answer.

There is offered in evidence, marked exhibit "A" and made a part of the record in this case, certified copy of the marriage certificate issued by A. H. Hemer, minister of the gospel, stating that on October 7th, 1900, he joined in marriage Rocey Pigg and Abner Williams.

Q Were you ever married before your marriage to Abner Williams?
A No sir.
Q Was he ever married before he married you? A No sir.
Q Since that marriage have you lived together continuously as husband and wife up to the present time? A No sir.
Q When did you separate from him? A We separated year before last.
Q How long after your marriage? A We had been married, I think it was four months.
Q You separated after four months? A Yes sir.
Q What was the cause of this separation? A Him a fightin' and coming home fightin' drunk and left.
Q Did you leave him? A No sir, he got drunk and left home.
Q Were you and he living together after this marriage? A Yes sir.
Q Lived together for four months? A Yes sir,
Q Where did you live? A We lived here with my uncle, picking cotton.
Q Did he ill treat you? A Yes sir.
Q What did he do to you? A Cursed me and fight with me.
Q Did you ever give him any cause for his ill treating you?
A No sir.
Q He left you did he? A Yes sir, and went home to his mammy.
Q Did you ever get a divorce from him? A No sir,
Q Was he ever divorced from you? A No sir.
Q Since your separation have you remarried? A No sir.
Q Have you ever heard of him since he left you? A No sir.
Q Never been back to see you? A No sir.
Q Did he ever try to get you to live with him again? A No sir.

Applicant excused.

Abner Williams being called as a witness and duly sworn, testified as follows through John Taylor, sworn Choctaw Interpreter:

Q What is your name? A Abner Williams.
Q How old are you? A Twenty-years old.
Q What is your post office address? A Garvin.

Q How long have you lived in the Choctaw Nation? A About twenty years.
Q You are a Choctaw Indian by blood aren't you? A Choctaw, yes sir.
Q Were you ever married? A Yes sir.
Q How many times? A Once.
Q What was the name of your wife? A Rocsy.
Q Rocsy what? A Rocsy Pigg.
Q When were you married to Rocsy Pigg? A October 7, 1900.
Q How long did you live with her? A About two months.
Q At the end of that time did you separate? A Yes sir.
Q What was the cause of that separation? A She committed adultery.
Q Did you leave her? A Yes sir.
Q Did you ever ill treat her? A No sir, never done it.
Q Was you in the habit of coming home drunk and ill treating your wife? A I was drinking a little one time but never did disturb her at all.
Q Did you ever have any proof of the fact that she was untrue to you? A Women told me they knowed something about it.
Q That she had been running around with other men? A Yes sir.
Q Did you ever investigate it and find out whether it was true or not? A No sir, but I heard it and just left her; afterwards she got a child but not my child.
Q Do you know it was not your child? A No, not mine.
Q How long after you left her was this child born? A About a year after we separated.
Q Did you ever obtain a divorce from her? A Yes, I tried to get a divorce from her but I couldn't get enough money; I am going to get a divorce next September

Witness excused.

Sophia Williams being called as a witness and duly sworn, testified as follows through John Taylor, sworn Choctaw Interpreter:

Q What is your name? A Sophia Williams.
Q How old are you? A Twenty-four.
Q What is your post office address? A Garvin.
Q Are you a Choctaw Indian by blood? A Yes sir.
Q Are you acquainted with Abner Williams? A Yes sir.
Q Is he any relation to you? A My husband is related to Abner; they are cousins.
Q How long have you known Abner Williams? A Good while; I don't know just how long.
Q Did you know him when he was married? A Yes sir.
Q What was the name of his wife, Abner's wife? A Rocsy Pigg.
Q You knew both Abner and Rocsy Williams when they were married? A Yes sir.
Q How long did they live together? A They lived together pretty near a year.
Q After that time did they separate? A Yes sir.
Q What was the cause of that separation? A Committed adultery.
Q Was it common talk at that time that Abner's wife had been unfaithful to him? A I saw the woman commit adultery.

Q Where did this happen? A At Watson Taylor's place in Red river county.
Q When did this happen? A About two years ago.
Q Was that before Abner had separated from his wife? A Abner'S father planted cotton over there to Watson Taylor's field and that's where they separated.
Q Who is this other man? A Mack Laxton.
Q Was he living on Watson Taylor's place also? A He was at Mrs. Mitchell's place.
Q Was that near Taylor's place? A A mile and a half to Watson Taylor's place.
Q Was Roosy Williams' intimacy with this other man the cause of this separation? A Yes sir.
Q Did you ever hear any talk of Abner mistreating his wife?
A Never heard anything of it.

- - - - - - - - - - - - - - - - -

Albert G. McMillan being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 26th day of November, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert G. McMillan

Subscribed and sworn to before me this 6th day of December, 1902.

H. C. Kisten

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Nov 26, 1907.

Acting Chairman.

"Ex A"

This is to certify that Abner Williams and Rocey Pigg are duly married according to Law by A.N. Homer. This the 7th day of October A.D. 1900.

A.N. Homer
Minister of the Gospel.

~~Choctaw~~ Nation }
Red River County } I do hereby certify
Indian Territory } that the foregoing
marriage Certificate
is a true and correct Copy of the original now on Record in my office in Docket Book No. 2. page 40.
Given under my hand and seal of Office this the 30th day of July, AD 1901.

Sidney J. Herndon.
County Clerk.
Red River Co. I. T.

Choctaw D-843

In the matter of the enrollment of Roosy Lee Williams as an intermarried citizen of the Choctaw Nation.

PROTEST of
Choctaw and Chickasaw Attorneys

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
FEB 6 1904

Chairman

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Racey Lee Williams as a citizen by intermarriage of the Choctaw Nation, Choctaw Field No. D-843.

- - - - - - -

We hereby request, on behalf of the Choctaw and Chickasaw Nations, that final decision in this case be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of B. F. Thompson vs. Choctaw and Chickasaw Nations, No. 38 on the South McAlester Docket, in which the said court will decide the question of the validity of that portion of the intermarriage laws of the Choctaw Nation providing for the forfeiture of citizenship of white persons who separate from their Indian spouses, which question is involved in the case to which this communication refers.

This request is filed under authority granted by the Honorable Secretary of the Interior in his communication to the Commission to the Five Civilized Tribes upon the subject, dated November 18, 1903.

Attorneys for the Choctaw & Chickasaw Nations.

January 23, 1904.

7-D-843.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Rocey Lee Williams as a citizen by intermarriage of the Choctaw Nation.

-: D E C I S I O N :-

It appears from the record herein that the applicant, Rocey Lee Williams, on October 7, 1900, was lawfully married to Abner Williams, a recognized and enrolled citizen by blood of the Choctaw Nation, whose name appears as number 1137 upon the lists prepared by this Commission, under the act of Congress approved July 1, 1902 (32 Stat., 641), of persons entitled to enrollment as citizens by blood of the Choctaw Nation and approved by the Secretary of the Interior on December 12, 1902; that at the date of said marriage both the persons above mentioned were residents in good faith of the Choctaw Nation; that they lived together in said nation as husband and wife for about four months when they separated but were not divorced; and that the applicant has been a resident in good faith of the Choctaw Nation since the date of her said marriage on October 7, 1900, up to and including September 25, 1902.

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of Thornton D. Pearce (I.T.D. 4060-1904), relative to the question of forfeiture, Rocey Lee Williams should be enrolled as a citizen by intermarriage of the Choctaw Nation, in accordance with the provisions of the acts of Congress approved June 28, 1898 (30 Stat., 495), and July 1, 1902 (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
NOV 28 1904

Choctaw D 843

COPY.

Muskogee, Indian Territory, November 28, 1904.

Roscy Lee Williams,

Garvin, Indian Territory,

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered November 28, 1904, granting your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of the decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling you as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, your name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

Registered.

Incl. 7-D-843.

Choctaw D 843

COPY.

Muskogee, Indian Territory, November 28, 1904.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission rendered November 28, 1904, granting the application for the enrollment of Roosy Lee Williams as a citizen by intermarriage of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, her name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

Registered.

Incl. 7-D-843.

See Choctaw 268

See Choctaw 2618 for registry receipt for this letter.

Choctaw D 843

Muskogee, Indian Territory, February 10, 1904.

Roxey Lee Williams,

Garvin, Indian Territory,

Dear Madam:

You are hereby advised that under direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Choctaw and Chickasaw Nations dated January 23, 1904, no further action will be taken relative to your enrollment as an intermarried citizen of the Choctaw Nation until the Commission is further instructed by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

7-5876

Muskogee, Indian Territory, January 30, 1905.

C. A. Spaulding,
Attorney at Law,
Garvin, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of January 25, 1905, in which you ask if the enrollment of Rosey Lee Williams white wife of Abner Williams has been approved.

In reply to your letter you are advised that Rosey Lee Williams, wife of Abner Williams has been enrolled as a citizen by intermarriage of the Choctaw Nation and her enrollment as such approved by the Secretary of the Interior, December 30, 1904.

Respectfully,

Acting Commissioner.

7-554
7-5876

Muskogee, Indian Territory, July 11, 1906.

Barney Noel,

Corinne, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of June 16, 1906, asking how to enroll a child of Aber Williams and Rosa Lee Williams, that died April 8th.

In reply to your letter you are advised that if the parents desire to make application for the enrollment of said child, evidence of its birth may be forwarded on the inclosed blank.

Respectfully,

B C

Commissioner.

Chac 5877 John B. Stewart

#7 Transferred from D-977 11-27-05

5877

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
SOUTH MCALESTER, I.T. DEC. 24, 1902.

Original Choctaw
intermarried.

In the matter of the application of Sarah I. Stewart for enrollment as an intermarried citizen of the Choctaw Nation.

J.G.Ralls, attorney for applicant:

Sarah I. Stewart being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Sarah I. Stewart.
Q What is your age? A Twenty eight.
Q What is your post office address? A Ada.
Q Is that in the Chickasaw Nation? A Yes sir.
Q You want now to make an application for enrollment as an intermarried citizen of the Choctaw Nation? A Yes sir.
Q What is the name of your Choctaw husband? A John B. Stewart.
Q When and where were you married to him? A January 20, 1895; in Louisiana.
Q Under United States laws? A Yes sir.

There is offered in evidence, marked Exhibit "A" and made a part of the record herein, the marriage license and certificate of John B Stewart and Ida King.

Q Is your husband, John B. Stewart, a recognized and enrolled citizen of the Choctaw Nation? A Yes sir.
Q You are living with your husband at the present time? A Yes sir.
Q Have continuously lived with him since the date of your marriage? A Yes sir.
Q There has been no separation nor divorce? A No sir.
Q Do you make any claim to Indian blood yourself? A No sir;I did.
Q Didn't you make application to the Commission to the Five Civilized Tribes in 1896 for citizenship in the Choctaw Nation? A Yes, my father did.
Q That applicatin was denied, was it? A His was; but mine wasn't.
Q How were you admitted; did you take an appeal to the United States Court? A I don't remember.

The name of the applicant appears on Choctaw Card #15 being listed for enrollment as a citizen of the Choctaw Nation by blood in pursuance of the judgment of the United States Court rendered in Central District, South McAlester, I.T., Court Case #36.

Q Have you maintained a continuous residence in the Chickasaw Nation since your marriage to Mr. Stewart? A Yes sir.
Q Continuously since the date of your marriage to him? A Yes sir.

Q Were you ever married before you married him? A No sir.
Q Was he ever married before he married you? A Yes sir.
Q Is his former wife living? A I don't know whether she is dead or not.
Q Was he divorced from her? A Yes sir.
Q Have you any evidence of that divorce with you? A Yes sir.

Applicant offers decree of divorce in the case of John B. Stewart vs. Minnie Stewart; marked Exhibit "B" and made a part of the records in this case.

Q How many children have you by this marriage with J.B.Stewart? A Five.

The name of the husband of this applicant appears upon Choctaw Card D#1; John B. Stewart.)

Q What is the name of your father? A George King.
Q What is the name of your mother ? A Elizabeth King.
Q Both living? A Yes sir.
Q Both white persons? A My mother is,but my father claims Choctaw Indian blood.
Q He was the principal in this suit- this citizenship case in law was he? A Yes sir.

Henry B. Haines being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on December 24, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in same.

Henry B. Haines.

Subscribed and sworn to before me this 29th day of December 1902.

Clinton H. Sawyer
Notary Public

7-15
7-D-977.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Sarah I. Stewart as a citizen by blood of the Choctaw Nation, and also, as a citizen by intermarriage of said Nation.

- - - D E C I S I O N . - -

It appears from the census card record in this case that on September 2, 1898, the applicant, Sarah I. Stewart, appeared before the Commission to the Five Civilized Tribes at Stonewall, Indian Territory, and made application for enrollment as a citizen by blood of the Choctaw Nation.

It further appears from the records herein that on December 24, 1902, said applicant appeared before said Commission at South McAlester, Indian Territory, and made application for enrollment as a citizen by intermarriage of the Choctaw Nation.

It further appears from the evidence submitted in support of said applications, and from the records in the possession of this office, that said applicant has never been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321).

It appears, however, from the records of said Commission, that on September 7, 1896, in the case entitled "G. F. King et al., vs. Choctaw Nation", (1896 Choctaw Citizenship Docket, Case No. 1196), application was made to said Commission under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321), for the admission to citizenship in the Choctaw Nation of (among others) the applicant herein (as Sarah I. Stewart, nee King), as a citizen by blood; that on December 7, 1896, said Commission rendered its decision denying said application; that from this decision of said Commission an appeal was taken to the United States Court for the Central District of Indian Territory, which Court, on August 30, 1897, in the case entitled "G. F. King et al., vs. Choctaw Nation (Citizenship Case No. 56), entered of record a judgment reversing the decision of said Commission and

admitted said applicant as a citizen by blood of the Choctaw Nation.

It further appears from the records of said Commission that on December 17, 1902, the Choctaw and Chickasaw Citizenship Court created under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), "set aside, annulled, vacated and held for naught", the aforesaid judgment of the United States Court for the Central District of Indian Territory, admitting said applicant as a citizen by blood of said Nation. Said cause has not been appealed or certified to the Choctaw and Chickasaw Citizenship Court for a trial de novo under the provisions of said Act of Congress approved July 1, 1902.

It further appears from the record herein that on January 20, 1895, the applicant, Sarah I. Stewart, was married under the laws of Louisana to John B. Stewart, a recognized and enrolled citizen by blood of the Choctaw Nation, whose name appears as No. 15771 upon the lists prepared by the Commission to the Five Civilized Tribes of persons entitled to enrollment as citizens by blood of the Choctaw Nation, and approved by the Secretary of the Interior December 28, 1904, said John B. Stewart having, on October 12, 1889, by a decision of the United States Indian Agent, been admitted as a citizen by blood of the Choctaw Nation, which decision was, by the Secretary of the Interior approved November 19, 1889; that at the time of said marriage the applicant was a resident of the state of Louisana; that John B. Stewart was a resident of the Choctaw Nation; that about two weeks thereafter they removed to the Choctaw Nation, since which time they have resided together continuously as husband and wife in the Choctaw-Chickasaw country up to and including September 25, 1902.

In accordance with the opinion of the Acting Attorney General dated May 9, 1904 (I.T.D.3824-1904), and the opinion of the Assistant Attorney General for the Department of the Interior dated July 30, 1904 (I.T.D.5246-1904), I am without authority to take action of any character looking to the enrollment of Sarah I. Stewart as a citizen by blood of the Choctaw Nation and that her application for enrollment as such should be dismissed and it is so ordered.

I am further of opinion that Sarah I. Stewart should be enrolled as a citizen by intermarriage of the Choctaw Nation in accordance with the provisions of the Acts of Congress approved June 28, 1898 (30 Stats., 495), and July 1, 1902 (32 Stats., 641), and it is so ordered.

Commissioner.

Muskogee, Indian Territory,

NOV 11 1905

LGD.

Choctaw D-1
and
Choctaw 15. DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of John B. Stewart for the enrollment of himself and his minor children, John D. Stewart, Stella May Stewart, George E. Stewart, Wynona Elizabeth Stewart and Knox Stewart as citizens by blood of the Choctaw Nation.

-D E C I S I O N-

It appears from the census card records of the Commission that John B. Stewart appeared before the Commission at Stonewall, Indian Territory, on September 2, 1898 and made personal application for the enrollment of himself and his three minor children, JohnD., Stella May and George E. Stewart, as citizens by blood of the Choctaw Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on April 1, 1902. Since said original application two children have been born to said John B. Stewart and his wife, Sarah I. Stewart, namely: Wynona Elizabeth and Knox Stewart; proper evidence of their birth being attached to the record.

It further appears from the evidence submitted in support of this application and the records in the possession of the Commission that the said John B. Stewart was included in the original application of Nancy Jane Stewart, et al., made in the year 1887 to the Choctaw National Council, praying for admission to citizenship in the Choctaw Nation, which application was, on the 4th day of November, 1887, rejected by the Choctaw National Council; and thereafter, an appeal being taken from such decision of the Choctaw National Council to the United States Indian Agent, in Indian Territory, in pursuance of the provision of Section 3 of the laws of the Choctaw Nation, found on page 174 of the Statues of said Nation in what is commonly known as the Standley Code, said United States Indian Agent, Leo. E. Bennett, on October 12, 1889, rendered a decision in said cause, deciding in favor of all of said applicants; and said decision was thereafter, on November 19, 1889, approved by the Acting Secretary of the Interior. Said decision and a copy of the letter of the Acting Secretary of the Interior are attached hereto and made a part of the record in this case.

It further appears from the evidence submitted and the records of the Commission, that Sarah I. Stewart, as the wife of John B. Stewart, with others, made application to this Commission under the act of Congress of June 10, 1896 (29 Stats., 321), in the cause entitled "G. F. King, et al., vs. Choctaw Nation", (1896 Docket "C" Choctaw No. 1196) for citizenship by blood in the Choctaw Nation, which application was filed September 7, 1896, and was, on December 7, 1896, denied by this Commission, and on appeal therefrom to United States Court, Central District Indian

Territory, at South McAlester, on August 30, 1897, a decree of said Court was entered reversing the decision of this Commission, as to the said Sarah I. Stewart, and admitting her to citizenship by blood in the Choctaw Nation, under the name of Sarah Stewart, and in pursuance to said decree of Court, the said Sarah Stewart has been duly listed for enrollment by this Commission, but her rights to final enrollment under the act of Congress of June 28, 1898 (30 Stats., 495), are not passed upon in this decision.

It further appears from the evidence in this case that all of the minor applicants, John D., Stella May, George E., Wynona Elizabeth and Knox Stewart were born subsequent to the admission of their father, John B. Stewart, to citizenship in the Choctaw Nation.

On an examination of the tribal rolls of the Choctaw Nation in the possession of the Commission the name of JohnB. Stewart is identified on the 1893 Choctaw Leased District payment roll, Atoka County, page 98, No. 960.

It further appears from the evidence in this case that said John B. Stewart has been a resident of Indian Territory since 1878 and it is considered that the residence of the minor applicants herein is that of their father.

It is therefore the opinion of this commission that John B. Stewart, John D. Stewart, Stella May Stewart, George E. Stewart, Wynona Elizabeth Stewart and Knox Stewart should be enrolled as citizens by blood of the Choctaw Nation, in accordance with the provisions of Section 21 of the act of Congress approved June 28, 1898 (30 Stats., 495) and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

(SIGNED) Tams Bixby.
Acting Chairman.

(SIGNED) T. B. Needles.
Commissioner.

(SIGNED) C. R. Breckinridge.
Commissioner.

(SIGNED) W. E. Stanley.
COMMISSIONER.

Muskogee, Indian Territory,
JUL 20 1903

7-D-[redacted].

Muskogee, Indian Territory, November 11, 1905.

Sarah I. Stewart,

Ada, Indian Territory,

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered November 11, 1905, dismissing the application for your enrollment as a citizen by blood, and granting your application for enrollment as a citizen by intermarriage, of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against your enrollment. If at the expiration of said time no protest has been filed, your name will be placed upon the final roll of citizens by intermarriage of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Registered. Commissioner.

Incl. 7-D-977

7-D-977

Muskogee, Indian Territory, November 11, 1905.

Ledbetter & Bledsoe,

Attorneys at Law,

Ardmore, Indian Territory,

Gentlemen:

You are hereby notified that the Commissioner to the Five Civilized Tribes, on November 11, 1905, rendered his decision granting the application for the enrollment of Sarah I. Stewart as a citizen by intermarriage, and dismissing the application for her enrollment as a citizen by blood, of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from the date of this notice within which to file protest against the enrollment of said applicant. If at the expiration of that time no protest has been filed her name will be placed upon the final roll of citizens by intermarriage of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Registered.

Commissioner.

7-D-977

Muskogee, Indian Territory, November 11, 1905.

J. C. Ralls,
Attorney at Law,
Atoka, Indian Territory,

Dear Sir:

You are hereby notified that the Commissioner to the Five Civilized Tribes on November 11, 1905, rendered his decision granting the application for the enrollment of Sarah I. Stewart as a citizen by intermarriage, and dismissing the application for her enrollment as a citizen by blood, of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the enrollment of said applicant. If at the expiration of that time no protest has been filed, her name will be placed upon the final roll of citizens by intermarriage of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Registered.

Commissioner.

7-D-977

Muskogee, Indian Territory, November 11, 1905.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered November 11, 1905, dismissing the application for the enrollment of Sarah I. Stewart as a citizen by blood, and enrolling her as a citizen by intermarriage, of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from the date of this notice within which to file protest against the enrollment of this applicant. If at the expiration of said time no protest has been filed, her name will be placed upon the final roll of citizens by intermarriage of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Commissioner.

Registered.

Incl. 7-D-977

LM 1/16

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

FILED
SEP 26 1905

Commissioner.

UNITED STATES OF AMERICA)
SOUTHERN DISTRICT)SS
INDIAN TERRRITORY.)

Before me personally appeared John B. Stewart who being first duly sworn makes answers to the following interrogatories as follows:

What is your name? John B. Stewart

What is your age? 43 years

What is your postoffice address? Ada, I.T.

Are you a citizen by blood of the Choctaw Nation? Yes

Of what state were you a resident at the time of your marriage to Sarah I. Stewart? Atoka, Choctaw Nation I.T.

Of what state was Sarah I. Stewart a resident at the time of your marriage to her? Louisiana

State the residence of yourself and your wife, Sarah I. Stewart, since your marriage on January 20, 1895, up to and including September 25, 1902? Went to Louisiana & married Jany 20th 1895 remained on that visit until Feby 2nd 1895 - then returned to Atoka Choctaw Nation when I stayed until March 16th 1895, I then came to my home about 4½ miles N.W. of Ada, I.T. where I & my wife have since lived & now live

Witnesses to mark:

_____ John B Stewart

_____

Subscribed and sworn to before me on this 23rd day of September 1905.

W. J. Currie
Notary Public.

Affidavit of John B. Stewart.

Pontotoc County,
Chickasaw Nation, } S.S.
Indian Territory.

My name is John B. Stewart. I am the husband of Sarah J. Stewart who was admitted to citizenship by the United States Court for the Central District of the Indian Territory in a case against the Choctaw Nation, said case being designated Citizenship Case No. 56. I was married to the said Sarah J. Stewart in Louisiana in 1894, in the Parish of Catahoula. We then removed to the Chickasaw Nation, Pontotoc County, where said Sarah J. Stewart and myself have since resided. Said Sarah J Stewart, my wife is not now and never has been a resident of the Choctaw Nation.

John B. Stewart

Subscribed and sworn to before me this 2nd day of September, A.D. 1898.

(L) (J)
Commissioner.

6495

ED.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

DEC 24 1902

ACTING CHAIRMAN

THE CHOCTAW NATION.

In the Circuit Court of the 3 *Judicial District, Regular* August *Term. 189* 3

A PETITION, OF John B. Stewart *being presented by* A. Lee *Attorney in said Court, for a*

BILL OF DIVORCE,

setting forth the facts, etc., after the Court hearing the Testimony in regard to the Petition do order and decree that a Bill of Divorce be issued to the applicant John B. Stewart

THEREFORE, I do issue a Bill of Divorce to said applicant John B. Stewart

forever releasing him *from the bonds of Matrimony heretofore existing between* himself John B. Stewart *and* Minnie Stewart

GIVEN UNDER MY HAND, and seal of office, this 15th *day of* August *189* 3

J E Tucker

Circuit Cleak.

No. Indexed

IN RE

Application for Enrollment of

INFANT CHILD

George E. Stevens

as a citizen of the

Choctaw Nation.

Approved Apr 18 1902

[illegible] Tansill

Commissioner.

Filed Apr 8-1902

Tansill Deputy

Acting Chairman

CHOCTAW 5871.

BIRTH AFFIDAVIT. "Copy" 7-D-1

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,
of George E. Stewart (Here insert name of child.), born on the 31 day of July, 190 1899
Name of Father: John B. Stewart, a citizen of the Choctaw Nation.
Name of Mother: Sarah I Stewart, a citizen of the Choctaw Nation.
Post-Office: Ada, Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Southern District.

I, Sarah I. Stewart, on oath state that I am 27 years of age and a citizen, by Blood, of the Choctaw Nation; that I am the lawful wife of John B Stewart, who is a citizen, by Blood, of the Choctaw Nation, that a male (Male or female) child was born to me on the 31 day of July 1899 ~~190~~; that said child has been named George E. Stewart, and is now living.

(Signed) Sarah I. Stewart x

WITNESSED TO MARK:

(Must be Two Witnesses.) _____

_____

Subscribed and sworn to before me this 2 *day of* April *190*2.

(Seal) E. N. Walkley *Notary Public.*

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Southern District.

I, M. L. Cruse, a midwife, on oath state that I attended on Mrs. Sarah I Stewart, wife of John B Stewart, on the 31 day of July, 1899, ~~190~~; that there was born to her on said date a male (Male or female) child; that said child is now living and is said to have been named George E. Stewart.

(Sig) M. L. Cruse"

WITNESSED TO MARK:

(Must be Two Witnesses.) _____

_____

Subscribed and sworn to before me this 2 *day of* April *190*2.

(Seal) (Signed) E. N. Walkley *Notary Public.*

John B. Stewart
To
Miss S. Ida King -

Marriage Licence and Return

"Copy"

EA

CERTIFICATE OF THE
CORPORATION TO THE FILE
FILED
DEC 24 1902

State of Louisiana, } 2nd District Court.
Parish of Catahoula. } Clerks Office.

I, the undersigned Clerk of said Court, do hereby certify that the within & foregoing page contains a true, correct and complete copy of the Original "Marriage License" and Return Certificate of John A. Stewart to Miss S. Ida King, now on file in this office.

In testimony whereof, I witness my signature officially and the Seal of said Court, this 25th day of June A.D. 1895.

F. M. Davis,
Clerk of said Court.

State of Louisiana, PARISH OF CATAHOULA. | 8th DISTRICT COURT, CLERK'S OFFICE.

To Rev. T. J. Pintecost

Or any Judge, Justice of the Peace, or any legally authorized Minister of the Gospel, for the Parish of Catahoula—Greeting:

You are hereby authorized and empowered to celebrate a Marriage between John B. Stewart and Miss L. Ida King of this Parish, and of your doings in the premises, you will make due return to this office, according to law.

In Witness my signature officially, and the Seal of said Court, this 17th day of January A. D. 1895

(signed) L. M. Davis
Clerk 8th District Court.

CERTIFICATE OF CELEBRATION.

Be it remembered that in pursuance and by authority of a License that issued from the office of the Clerk of the 8th District Court, for said Parish and State, I T. J. Pintecost a legally authorized Minister Gospel in and for said Parish proceeded at Brides Father in said Parish to celebrate a Marriage between John B. Stewart and Miss L Ida King of said Parish, present and consenting to said Marriage.

In Witness Whereof, I have caused the said parties to sign this act, in the presence of W. R. Coleman, B. F. King and J. L. Griffin three witnesses, above the age of twenty-one years, and residing in said Parish, who were present at said Marriage, and who sign this act with the parties, and me the said Minister of Gospel on this 20 day of January A. D. 1895.

Witnesses:

(signed) W. R. Coleman (signed) John B. Stewart
(") B. F. King (") L Ida King
(") J. L. Griffin

(signed) T. J. Pintecost
Minister.

COPY.

[redacted]

APPLICATION TO THE [redacted] CIVILIZED TRIBES.

In the application for Enrollment,as a citizen of the Choctaw Nation,of Wynona Elizabeth Stewart,born on the 13 day of February, 1900

Name of Father: J.B.Stewart, a citizen of the Choctaw Nation.

Name of Mother: Sarah Stewart, a citizen of the Choctaw Nation.

Postoffice, Delberg, I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
Indian Territory,
Southern District.

I, Sarah Stewart,on oath state that I am 26 years of age and a citizen by Blood,of the Choctaw Nation; that I am the lawful wife of John B Stewart, who is a citizen,by blood,of the Choctaw Nation; that a female child was born to me on the 13 day of February 1900; that said child has been named Wynona Elizabeth Stewart,and is now living.

(SEAL)

Sarah Stewart

Subscribed and sworn to before me this 23 day of February,1900

Mount Morris
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN FOR MOTHER.

UNITED STATES OF AMERICA,
Indian Territory
[redacted] District.

I, A.G.Austell,a physician,on oath state that I attended on Mrs. Sarah Stewart,wife of J B Stewart,on the 13 day of February,1900;that there was born to her on said date a female child;that said child is now living and is said to have been named Wynona Elizabeth Stewart.

A.G.Austell, M.D.

Subscribed and sworn to before me this 23 day of February,1900

(SEAL)

Mount Morris
Notary Public.

Dawes,
15.

In re

Application for Enrollment as

Infant Child

Tyrone Elizabeth Stewart

as a Citizen of the

Choctaw Nation.

Approved, May 24, 1900

T.B. Needles

Commissioner.

F I L E D

MAY 24, 1900

COMMISSION TO THE FIVE TRIBES.

COPY.

BIRTH AFFIDAVIT.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE application for enrollment, as a citizen of the Choctaw Nation

Knox Stewart, born on the 6th day of February, 1902.
Name of father, John B. Stewart, a citizen of the Choctaw Nation,
Name of mother, Sarah I. Stewart, a citizen of the Choctaw Nation.
POST OFFICE:- Ada, Ind.Ter.

Affidavit of mother
UNITED STATES OF AMERICA, SOUTHERN DISTRICT OF INDIAN TERRITORY.

I, Sarah I. Stewart, on oath state that I am 27 years of age, and a citizen by blood of the Choctaw Nation;
that I am the lawful wife of John B. Stewart, who is a citizen by blood of the Choctaw Nation;
that male child was born to me on the 6th day of February, 1902;
that the said child has been named Knox Stewart and is now living

Sarah I. Stewart

Subscribed and sworn to before me this the 6 day of February, 1902.

W. F. Branstetter (SEAL)
Notary public.

AFFIDAVIT OF ATTENDING PHYSICIAN.

UNITED STATES OF AMERICA, SOUTHERN DISTRICT OF INDIAN TERRITORY

I, R.T. Castleberry, a regular practician physician, on oath state that I attended on Mrs. John B. Stewart, wife of John B. Stewart, on the 5th. day of Feb., 1902; that there was born to her on said date a male child; that said child is now living, and is said to have been named Knox Stewart

R. T. Castleberry, M.D.

Subscribed and sworn to before me this the 6 day of Feb., 1902.

W. F. Branstetter (SEAL)
Notary Public.

CHOCTAW.

In re

Application for Enrollment

infant child

[illegible]

as a citizen of

the Choctaw Nation

Approved Feb 11 1902

T.B.Needles

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
FEB 11 1902

Tams Bixby, Acting Chairman.

CHOCTAW,
15

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory, April 2, 1906.

John B. Stewart, et al.,	
vs.	No. 1.
The Choctaw Nation.	

In the matter of the application of John B. Stewart for the enrollment of himself and his three minor children, John B. Stewart, Stella May Stewart, and George E. Stewart, as citizens by blood of the Choctaw Nation.

APPEARANCES:

John B. Stewart, the principal applicant.

J. G. Mills, Counsel for the applicants.

No appearance on Behalf of the Choctaw Nation.

John B. Stewart, being first duly sworn, upon his oath testifies as follows:

Examination by the Commission.

Q. Mr. Stewart, give the stenographer your name in full? A. John B. Stewart.

Q. What is your present post office address? A. Muskogee, I. T.

Q. What is your age? A. Forty years of age.

Q. Forty years of age? A. Yes.

Q How long have you lived in the Indian Territory? A Ever since the 6th day of February, '78.
Q Who do you make application for in this-------or who did you make application for when you originally appeared before the Commission here in 1898 or 1899, for enrollment? A Myself, my wife, Sarah I. Stewart, and my children, John D. Stewart, Stella May Stewart, and George E. Stewart, and since that time these other two have been born.
Q The other two children? A Winona Elizabeth.
Q And Knox? A Knox, yes sir-------have been born since I made my original application.

Examination by J. G. Ralls, Attorney.

Q How long have you lived in the Choctaw and Chickasaw Nations? A Ever since the 6th day of February, '78.
Q Does your name appear on the leased district roll of the Choctaw Nation? A Yes sir.
Q That roll was made in 1892, was it? A '92 or '93-------'93, I think.
Q I think it was made perhaps in '92 and paid out in '93. A Paid out in '93-------that's right.
Q You have been on all of the Choctaw rolls, have you, since? A Since then, yes sir.
Q Your name now appears on the Choctaw rolls of 1896, does it? A Yes sir.

Re-examination by the Commission.

Q When was George E. Stewart born? A He was three years old, the last day of last January.
Q Did you ever furnish the Commission with a birth affidavit of George E.? A His mother was present------they didn't ask it; she was present at the time he was listed.

Re-examination by J. G. Ralls, Attorney.

Q You are the identical John D. Stewart mentioned in the opinion of Lee E. Bennett, as United States Indian Agent------A Yes sir----- rendered August 24, 1899, in the case of Mary Jane Stewart vs. the Choctaw Nation, are you? A Yes sir, that's my mother----Mary Jane Stewart.
Q Your father's name was John Stewart? A John Stewart, yes sir.

By Attorney:

The applicant requests the Commission to refer to that roll of the Choctaw Nation, known as "The Leased District Roll", of Atoka County, Choctaw Nation, where the name of this applicant will be found enrolled as a Choctaw by blood, and also to refer to the Choctaw roll made of Choctaws residing in the Chickasaw Nation in 1896, where the name of this applicant will be found as a Choctaw by blood, as will also appear the name of his oldest son, John D.

Re-examination by the Commission.

Q Are you the husband of Sarah I. Stewart who was admitted by the U. S. Court, Indian Territory, for the Central District at South McAlester, on August 30, 1897, Court case number 56? A I am.
Q Entitled G. F. King, et al., against the Choctaw Nation? A Yes sir.
Q Is Sarah I. Stewart the mother of your children? A Yes sir.
Q John D. Stewart, Stella May Stewart and George E. Stewart? A Yes sir.
Q How old is John D. Stewart? A John D. Stewart was six years old the 10th of last January.
Q The 10th of last January? A The first of last January.
Q How old is Stella May Stewart? A She was five the 6th day of last January.
Q How old is George E. Stewart? A He was three the last day of last July------I believe that's his birth-day.

By the Commission.

This case will be considered by the Commission upon the record and evidence as now made up.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on April 1, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of April, 1902.
Subscribed and sworn to before me this 1st day of April, 1902.

7-2-1

Union Agency,
Muskogee, Ind. Ter.,
October 12, 1889.

Nancy Jane Stewart,
vs
The Choctaw Nation.

Opinion of Leo E. Bennett, U. S. Indian Agent, on Appeal taken from Decision of the Choctaw National Council.

In her application to the Choctaw National Council in 1887, the petitioner, Nancy Jane Stewart, asks that citizenship in the Choctaw Nation be granted unto the petitioner, her husband, John Stewart, age 61 years, her son John B. Stewart, age 25 years, her daughter Sallie Stewart, age 13 years, her daughter, Esther E. Francis, age 28 years, and her husband, B. F. Francis, age 38 years, and her grand-son James J. Goodson, age 15 years, son of her daughter Esther E. Francis by a former husband, and her grand-daughter Ellen V. Brinkley, age 6 years, daughter Esther E. Francis by a former husband, her grand-son Robert B. Brinkley, age 6 years, a son of Esther E. Francis by a former husband, and her grand-son Henry D. Francis, age 2 years by her present husband, and her daughter Ida Bailey, age 22 years, now residing in Pickens County, Chickasaw Nation, and her husband J. J. Bailey, age 27 years, and their child, her grand-son, Robe J. Bailey, age 3 years, because she the petitioner, Nancy Jane Stewart, is the daughter of Jane Henry who was a daughter of Rebah Johnson and Jerida Johnson, and Sarah Johnson was the daughter of Captain David Durney and Sally Durney whose maiden name was Sally Brasher who was a lineal descendant of the Choctaw tribe of Indians by blood and she, the petitioner herself and her direct line of heirs above -

named are all of Choctaw descent by blood and therefore entitled to all the rights, privileges and immunities of Choctaw citizenship.

The evidence in support of said petitioner's claim was by affidavit of Stephen Netherland, who stated that he was 68 years of age, a resident of Union Parish, La., was well acquainted with Nancy Jane Stewart, whose maiden name was Nancy Jane Henry, whose mother's name was Jane Johnson, and Jane Johnson was the daughter of Sarah Johnson and Sarah Johnson was the daughter of Capt. David Burney and Sally Burney, and that Sally Burney was of Indian blood of the Choctaw tribe and that Simon Burney and Sarah Johnson were brother and sister, and that the said Nancy Jane Stewart, is nown a resident of Blue County, Choctaw Nation, Ind. Ter., that when he knew the parties he was a resident of Lawrence Co., Miss., that he has known the said Nancy Jane Stewart since she was four years old; that she was born in Lawrence Co., Mississippi; that he has been to the house of Jane Johnson and Sarah Johnson, and has often seen Capt. David Burney and his wife Sally Burney in Lawrence Co., Mississippi; that Jane Johnson and Sarah Johnson died in 1844; that Jordon Johnson the husband of Sarah Johnson died in 1848, and that Capt. David Burney died in the year 1847 at the advanced age of 92 years; that Jane Johnson was the mother of Nancy Jane Stewart and that Sarah Johnson was the grand-mother and Sally or Sarah Burney was the great-grandmother of said Nancy Jane Stewart; that he was well acquainted with Simon Burney, the brother of Sarah Johnson and that they were the son and daughter of Capt. David Burney and Sally or Sarah Burney, and that Sarah Burney was a Choctaw Indian and was so reputed by all the citizens and neighbors in said Lawrence Co. Mississippi.

#31

The affidavit of the said Nancy Jane Stewart the petitioner was that her mother's name was Jane Henry, the daughter of Jane Johnson who was the daughter of Sally Burney and Capt. D. Burney. She could not tell whether said Burney was a white man or not, that he lived in Mississippi in Lawrence Co.;that she, the said Nancy Jane Stewart was born in 1837, in Lawrence Co. Mississippi; that she left there in 1855; that there were Choctaws in that county and are yet, she has a half-sister there now, that she was acquainted with the Choctaws and played with them in that neighborhood in her childhood, but has had no acquaintance with them since 1855; that Sally Burney is said to have been a full blood Choctaw; that she had slight recollection of the matter herself, she did not know as her mother was half Choctaw, nor if she spoke Choctaw, but her grand-mother spoke Choctaw, she herself cannot speak Choctaw, during her residence in Mississippi had always been treated as a Choctaw, but could not name her Choctaw relatives, did not know whether she was recognized as a Choctaw in Kiowa Co. Choctaw Nation, where she has resided since last September (1886), before that she livedin Pickens County.

Affidavit of Tennessee a colored woman, age 90 years, born in the state of Mississippi, Old Nation, now a resident of Kiowa Co., Choctaw Nation; that she was well acquainted with David Burney and Sally Burney his wife and that Sally Burney was of Indian blood of the Choctaw tribe; that Simon Burney and Sarah Johnson were brother and sister; that Sarah Burney married Jordan Johnson and Simon Burney married Peggy Miles.

Samuel Netherland a resident of Catahoula Parish, Louisiana, states that he is 64 years of age, that he is well acquainted

#4:

with Nancy Jane Stewart, a resident of Pike Co., Choctaw Nation, that said Nancy Jane Stewart was born in Lawrence Co., Mississippi, that her maiden name was Nancy Jane Henry, whose mother's name was Jane Johnson who was the daughter of Capt. David Burney and Sally Burney, that Sally Burney was of Indian blood of the Choctaw tribe, and that Simon Burney and Sarah Burney were brother and sister. That he had known all of the above named parties well when he was a resident of Lawrence Co., Mississippi, that he had known the petitioner Nancy Jane Stewart since she was four years old, that he has been to the home of Jane Johnson and Sarah Johnson often and has often seen Capt. David Burney and his wife Sally Burney in Lawrence Co., Mississippi, that Jane Johnson and Sarah Johnson died in the year 1844, and that Jordon Johnson the husband of Sarah Johnson died in 1846, and Capt. David Burney died in the year 1847 at the advanced age of 98 years and that Jane Johnson was the mother of Nancy Jane Stewart, he (Samuel Netherland) was also well acquainted with Simon Burney the brother of Sarah Johnson, that they were the son and daughter of Capt. David Burney and Sally or Sarah Burney and that Sarah Burney was a Choctaw Indian and was so reported and considered by all the citizens and neighbors in said Lawrence County.

Relative to the foregoing statement of Samuel Netherland is an affidavit of George Franklin King, a resident of Catahoula Parish, Louisiana, that he has known the said Samuel Netherland 98 years, that he is well acquainted with him and that his reputation for truth and veracity is good.

By resolution approved November 4th, 1887, the Choctaw Council rejected the claim of the petitioner and the review is upon her appeal from their decision.

#3.

In the presentation of the case to this office upon appeal the evidence as to the Choctaw blood of Nancy Jane Stewart is so plain that it would seem that her right to citizenship in the Choctaw Nation is indisputable; and had the case been presented to the Choctaw Council as it has been to this Office the action of the Council would, without doubt, have been favorable to the petitioner.

In addition to the affidavits of Stephen Netherland and Samuel Netherland, which are substantially the same as submitted to the Choctaw Council, is the testimony of James J. Massey 60 years of age, resident of Ostahoula Parish, La., that he had personally known the claimant and her mother and father whose names were O. D. Henry and Jane Johnson, whose homes were in Lawrence Co., Mississippi; that he had known Sally Frazier; that Sally Frazier was a full blood Choctaw Indian, that he knew this from his own personal knowledge, having been well acquainted with her; that he knew Sarah Massey and that she married Jordon Johnson, that the names of her children by said Johnson were Jane, Mary, Jordon, Benson, Frank, Albert and Tom; that he knew Jane Johnson; that the names of her children were Margaret, Rowan, and Nancy Jane. He knewthat the claimant was always reported as having Indian blood in her veins, he had known her from infancy and her mother also and knew that they were reputed to be Indians.

In reply to the question by Attorney for the Choctaw Nation as to the " quantity and kind of Indian blood in Sally Frazier" he said, " Sally Frazier was a full blood Choctaw Indian", also the testimony of Miles Lampton Bowers 68 years of age, resident ofOstahoula Parish, La., that Nancy Jane Stewart was personally known to her, the father and mother were known by her by

#8.

hearsay, their names were Othe D. Henry and Jane Johnson, knew them by reputation in Lawrence Co., Mississippi. She knew by reputation one Sally Frazier who afterwards married David Burney in Lawrence Co., Miss., and it was generally understood in the neighborhood that Sally Frazier was a full blood Choctaw Indian. She knew it from rumor and those from whom she obtained the information knew it from seeing her and being well acquainted with her. She knew Sarah Burney who was the daughter of David Burney and Sally Frazier by reputation; she knew in the same way that she married Jordon Johnson, the names of their children were, Jane, Mary, Jordon, Denson, Frank, Albert and Thomas. She knew by reputation Jane Johnson who first married one Brown, and after his death married Othe D. Henry in the state of Mississippi and the names of their children were Margaret, Rowan, and Nancy Jane, and that the claimant was always recognized and known as having Indian blood in her veins. In reply to the request of the Attorney for the Choctaw Nation "to state, if she knew, the quantity and of Indian blood in Sally Frazier and what kind" said "I always understood from those who were well acquainted with her that she was a full blooded Choctaw".

While the evidence in this case is apparently ex parte the affidavits were all taken under notice to the Attorney for the Choctaw Nation, Mr. Alinton Telle, who submits the case in a letter dated March 26th. 1928 upon the evidence as above reviewed. In this communication Mr. Telle admits that the evidence taken since the appeal places the matter in a different light to that which it was represented to the Council in. The affidavits are based upon personal knowledge, they are corroborative and convincing.

7-D-j

fm.

It is my opinion that the claimant has made out quite a strong case and that under the evidence furnished Nancy Jane Stewart and her lineal descendants are Choctaw Indians by blood through descent from Sally Frazier a full blood Choctaw Indian, and as such entitled to citizenship in the Choctaw Nation. This appeal is decided in favor of claimant.

(Signed)

Leo. E. Bennett

U. S. Indian Agent.

7-61

COPY

UNITED STATES INDIAN SERVICE.

UNION AGENCY.

Muskogee, Ind. Ter.

October 12, 1889.

The Honorable

The Commissioner of Indian Affairs,

Washington, D. C.

Sir:

I have the honor to enclose herewith the appeal taken from the decision ofthe Choctaw National Council by Nancy Jane Stewart, an applicant for citizenship. I respectfully report in favor of claimant, as it is my judgment that the claimant has made out a case sufficiently strong to reach this conclusion, and a fact admitted by the attorney for the Choctaw Nation, Mr. A. Telle.

Very respectfully,

Your obedient servant,

Leo. E. Bennett,

U: S. Indian Agent.

7-5-1

C O P Y

UNITED STATES INDIAN SERVICE.

Union Agency, Muskogee, I. T.

October 28th 1889.

The Hon.

The Commissioner of Indian Affairs,

Washington, D. C.

Sir:

In reply to L 29548-1889 I have the honor to transmit herewith the evidence in the Choctaw citizenship case of Nancy Jane Stewart appealed from the decision of the Choctaw National Council.

Very respectfully,

Your obedient servant,

Leo E. Bennett,

U. S Indian Agent.

(Morris Clerk)

(7 enclosures)

7-D-1

33443-1889. Copy

DEPARTMENT OF THE INTERIOR.

WASHINGTON, November 19th 1889.

The Commissioner

of Indian Affairs.

Sir:

I have considered your communication of the 14th instant in the matter of the claim of Nancy Jane Stewart and her lineal descendants to Choctaw citizenship.

Inasmuch as the Counsel for the Choctaw Nation practically admits thejustness of the claim as presented to the Agent, thefindings of U. S. Indian Agent Bennett in favor of the claimants, are approved.

The papers accompanying your communication are herewith returned.

Very respectfully,

Geo. Chandler,

Acting Secretary.

6857, Ind. Div. '89.

11 enclosures.

7-D-1.

1-D-1

C O P Y

EXECUTIVE OFFICE,

Choctaw Nation,

Feb'y, 5, 1894.

To All Whom it May Concern:

This is to certify that the following parties, viz: to-wit: Nancy J. Stewart and her husband John Stewart and their children.

1st. Esther Allen, her children J. J. Goodson and _____ Henderson.

2nd: Veda Brinkley and R. B. Brinkley.

3rd. John B. Stewart.

4th. T. B. Bailey, Ida L. Bailey, Viola Bailey.

5th. Sallie Stewart,

are entitled to all the rights and privileges of other Choctaws having proven their citizenship before the proper authorities.

Witness my hand and the seal of the Choctaw Nation this the 5th day of Feb'y. 1894.

W. N. Jones,

P. C. C. N.

(Seal).

A. Telle,

Private Sec't'y.

7-D-1

Refer in reply to the following.

Land. 43844-98.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, October 3, 1898.

J. S. Standley, Esq.,

Leesburg, Virginia.

Sir:

In reply to your letter of Sepetember 26, 1898, I have to advise that I have, by letter of even date herewith, transmitted the papers in the case of Nancy Jane Stewart, claimant to Choctaw citizenship, and a copy of the letter of November 19, 1889, from the Acting Secretary of the Interior, admitting her and her lineal descendants to such citizenship, to the Dawes Commission for its information and use in connection with Mrs. Stewart's ~~case~~ claim.

Very respectfully,

(Signed) A. C. Tonner,

Assistant Commissioner.

Murchison (G)

7-D-1

Refer in reply to the following.

Land. 33443-89

43844-98

DEPARTMENT OF THE INTERIOR.

OFFICE OF INDIAN AFFAIRS.

Washington, October 3, 1898.

To the Dawes Commission,

Muskogee, Indian Territory,

Gentlemen:

Pursuant to a request contained in a letter of September 26, 1898, from Mr. J. S. Standley, I enclosed herewith a copy of a letter of November 19, 1889, from the Acting Secretary of the Interior, in which it is decided that Nancy Jane Stewart and her lineal descendants are entitled to citizenship in the Choctaw Nation. I also enclose the original papers in the case, for your information in connection with the claim of Mrs. Stewart as a citizen of the Choctaw Nation.

Very respectfully,

(Signed) A. C. Tonner,

Assistant Commissioner.

Murchison (G)

There appears on back:

" Commission to Five Tribes. No. 109. Ans. Received Oct. 6, 1898. Commissioner of Indian Affairs, Oct. 3, 1898. Incloses papers in the matter of the citizenship of Nancy Jane Stewart as a Choctaw. "

4-51

Copy

Choctaw D-1.

Muskogee, Indian Territory, February 25, 1902.

John B. Stewart,

Center, Indian Territory.

Dear Sir:-

You are hereby notified that the application of John B. Stewart, Stella May Stewart and George E. Stewart for enrollment as citizens of the Choctaw Nation will be taken up by the Commission to the Five Civilized Tribes for final consideration at its office in Muskogee, Indian Territory, on the 1st day of April, 1902.

On said date, you may, if you desire, appear before the Commission in person or by attorney, when an oportunity will be given you to introduce any additional testimony affecting said application.

You are further notified that the Representatives of the Choctaw Nation will also at the same time be afforded an opportunity to idtroduce testimony affecting your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

T. B. Needles.

Commissioner in Charge.

Register.

7-D-1

Atoka I.T.
Nov. 19, 1887

COPY

Hon. R. L. Owen,

Muskogee, I. T.

Dear Sir:

Mr. Jno Schockley and Mr. John Stewart have both applied to me to take their cases of disputed citizenship before you.

I have only seen their cases since the action of the Choctaw Council. It is very unfortunate for them that their cases were allowed to go to the Council or any where else in the shape the papers are in. I shall make an effort to work their testimony over and get it into legal shape, and may perhaps, neen your indulgence. I have given no attention to such matters until now , and do not know the rules of your office and mode of proceedure. Do you require the testimony to be taken before you ? or can I take depositions here in accordance with the lawsof the Choctaw Nation ? Will a deposition taken in any state in accordance with the laws of the state where taken be accepted as good evidence by you ? It is understood, ofcourse, that they must be taken under notice to the Attorney of the Choctaw Nation.

Some of the witnesses in these cases live in different states.

How long will you give us to get these cases ready.

Yours very truly,

J. S. Standley.

7-D-1

COPY

Atoka, I. T., Nov. 19, 1887.

Hon. Robt. L. Owen,

U. S. Indian Agent,

Union Agency,

Muskogee, I. T.

Dear Sir:

Herewith enclosed you will find the certified copies of the papers in the case of Nancy J. Stewart, an applicant for citizenship in the Choctaw Nation. Her applicatio n was refused by the Choctaw Council and she now makes appeal to your office for a hearing in her case.

Very respectfully,

Nancy J. Stewart and her husband, John Stewart.

Per. J. S. Standley, Atty.

5-D-1

C O P Y

State of Louisiana.
Parsih of Vernon. 14th Judicial Dist. Court.

Personally appeared before me the undersigned authority Clerk District Court in and for Vernon Parish and state of Louisiana/ Stephen Netherland who is a resident of Vernon Parish Louisiana. And to me personally known, who being by me duly sworn deposes and says that he is 68 years ofage and is well acquainted with Nancy Jane Stewart, whose maiden name was Nancy Jane Henry, and whose mother's name was Jane Johnson and Jane Johnson was the daughter of Sarah Johnson, and Sarah Johnson was the daughter of Capt. David Burney and Sally Burney and that Sally Burney was of Indian blood of the Choctaw tribe and that Simon Burney and Srah Johnson were brother and sister; the said Nancy Jane Stewart is now a resident of Blue County, Choctaw Nation, Indian Territory. That affiants knowledge of the above relationship is derived as follows: That at the time he knew all of the above named parties he was a resident of the state of Mississippi, Lawrence County; that he has known the said Nancy Jane Stewart since she was four years old and that she was born in Lawrence County, State of Mississippi; that he has been to the house of Jane Johnson and Sarah Johnson, and has often seen Capt. David Burney and his wife Sally Burney in Lawrence County, Mississippi, and that Jane Johnson and Sarah Johnson died in the year 1844, and that Jordon Johnson the husband of Sarah Johnson died in the year 1846, and that Capt. David Burney died in the year 1847 at the advanced age of 93 years, and that Jane Johnson was the mother of Nancy Jane Stewart and that Sarah Johnson was the grand-mother

#2

and Sally or Sarah Burney, whose maiden name was Frazier was the great grand mother of the said Nancy Jane Stewart. Affiant was also well acquainted with Simon Burney the borhter of Sarah(Burney) Johnson and that they were the son and daughter of Capt. David Burney and Sally or Sarah Burney and that Sarah Burney was a Choctaw Indian and was so reputed by all of the citizens and neighbors in the said County of Lawrence; that the affiant herein is personally known to me the undersigned Clerk Dist. Court and Ex Officio Notary Public and that his reputation for truth and veracity is good.

Stephen his x mark Netherland.

Sworn to and subscribed before me this 26th day of July, 1887.

Wm. H. Smart,
Clerk 14th Judi. Dist. Court and
Ex Officio Notary Public in and
for Vernon Parish, La.

Testimony ofNancy Jane Stewart, being duly sworn to and saith:

I am daughter of Jane Henry; Jane Henry was the daughter of Jane Johnson; Jane Johnson was the daughter of Sally Burney and Capt. D. Burney.

What was your mother's name ? Ans. My mother's name is Jane Henry.

Was Burney a white man ? Ans. I could not tell you sir.

Where was he lived ? Ans. In Mississippi.

In what part ? Ans. In Lawrence County.

How old are you ? Ans. Was born in 1837.

Where were you born and raised ? Ans. In Lawrence County, Mississippi, sir.

Do you live in Mississippi and in that County now ? Ans. No, Sir.

How long since you left that County ? Ans. I left there in 1856.

Were there any Choctaws in that County ? Ans. Yes, sir, there was and there is yet;

Have you any brothers or sisters back there ? Ans. I have one half sister; she is there yet.

Have you my acquaintance with them Choctaws who live there ? Ans. Yes sir I was acquanited with them and played with them in childhood, but I haven't acquainted with them since 1856.

Is Sally Burney a full blooded Choctaw ? Ans. She is said to be sir.

Did you know personally yourself ? Ans. I have very slight recollection.

How old were you when you left Mississippi ? Ans. I'll have to count up before I can tell you.

How was your mother half breed ? Ans I Gould not say sir.

Did she talk Choctaw ? A ns. I could not say that my mother did talk Choctaw, but my grand mother talked Choctaw.

Can you talk Choctaw ? Ans. I cannot.

Then how you know that they were Choctaw ? Ans. I was treated as Choctaw among whites.

You must been 19 years old when you left Mississippi ? Did you acquainted with your relation Choctaws ? Ans. I could not name them.

#4

Where do you live now ? Ans. I live in Blue County, Choc taw Nation.

Are you recognized as a Choctaw ? Ans. I dont know as I am recognized as Choctaw or not.

How long have you been living in Blue County, Choctaw Nation ? Ans. Last September.

Where did you live before them ? Ans. In Pickens County

her
Nancy J. Stewart. x
mark.

Sworn to and subscribed before me this Oct. 27th 1887.

Simon McCoy,

Attest. Clerk of Com.

(Seal).

Choctaw Nation,
Blue County. Oct. 14th, 1887.

Personally appeared before the undersigned authority a Clerk of Court said Blue County, Choctaw Nation, who she is a resident of the said Blue County, C. N. I. T. Tennessee aforesaid aged 90 years, who being duly sworn says that she is well acquainted with David Burney and Sally Burney his wife and that Sally Burney was ofIndian blood of the Choctaw tribe, and that Simon Burney and Sarah Johnson was brother and sister, the said Sarah Burney married to Jordon Johnson, and Simon Burney married to Peggy Allen who was a Chickasaw tribe. I was born in state of Mississippi, old Nation; she was acquanited with these persons above in the state of Mississippi.

7-D-1

Ex #5

Sworn to and subscribed before me this 14th day of October, 1887.

David Perkins, County and Probate Judge, Blue County, NC. N

Given under my hand and seal of office this 14th day of October, 1887.

Henry Perkins,
County and Probate Clerk of Blue
County, C. N.

(Seal.

That the affiant herein is personally known to me the undersigned and that her reputation for truth and veracity is good ?

H. A. Perkins, Clk.
B. C. C. N.

State of Louisiana.
Parish of Catahoula. 7th Judicial District Court.

Personally appeared before me the undersigned authority a Clerk of Court in the aforesaid Parish and State, Samuel Netherland, who is a resident of said Parish and State aforesaid, aged 64 years; who being duly sworn by me, says that he is well acquainted qith Nancy Jane Stewart whose maiden name was Nancy Jnae Henry and whose mother's name was Jane Johnson and Jane Johnson was the daughter of Sarah Johnson and Sarah Johnson was the daughter of Capt. David Burney andSally Burney and that Sally Burney was of Indian blood of the Cheotaw tribe and that Simon Burney and Sarah Johnson were brother and sister; the said Nancy Jane Stewart is now a resident of Blue County, Cheotaw Nation,

)

)

7-D-1

#6

is derived as follows: That at the time he knew all of the above named parties he was a resident of the state of Mississippi, Lawrence County; that he has known the said Nancy Jane Stewart since she was four years old; that she was born in Lawrence County, state of Mississippi; that he has been to the house of Jane Johnson and Sarah Johnson often, and has often seen Capt. David Burney and his wife Sally Burney in Lawrence County, Mississippi, and that Jane Johnson and Sarah Johnson died in the year 1844, and that Jordon Johnson the husband of Sarah Johnson died in the year 1846, and that Capt. David Burney died in the year 1847 at the advanced age of 93 years; and that Jane Johnson was the mother of Nancy Jane Stwaert, and Sarah Johnson wasthe grand mother and Sally or Sarah Burney was the great grand mother of the said Nacy Jane Stewart; affiant was also well acquainted with Simon Burney the brother ofSarah Johnson and that they were the son and daughterofCapt. David Burney and Sally or Sarah Burney and that Sarah Burney was a Chootaw Indian and was so reputed by all the citizens and neighbors in the said County of Lawrence; that the affiant herein is personally known to me the undersigned Clerk and his reputation for truth and veracity is good.

his
Samuel x Netherland.
mark.

Sworn and signed before me this 25th day of Jan. A D. 1887.

John Dosher, Clerk, 7th Judicial District Court. Ex Officio Recorder and Notary Public. Parsih of Catahoula, State of Louisiana.

(Seal).

7-D-1

#7

State of Louisiana.
Parish of Catahoula.

7th Judicial District Court.

Personally appeared before me the undersigned authority, a Clerk of Court, it being a Court of Record, George Franklin King, who is also a resident of said Parish and state who being by me duly sworn, says that he is well acquainted with Samuel Netherland, the party making the above affidavit, having known him for the past thirty-five years and that the said Samuel Netherland's reputation for truth and veracity is good.

G. F. King.

Sworn to and signed before me this 25th day of June, A. D. 1887.

Hohn Desher, Clerk 7th Jud'l.
Dist. Court. ExOfficio Recorded
and Notary Public.

(Seal).

Choctaw Nation.
Blue County.

May the 3rd, 1887.

To the Senate and House of Representatives in next session of the General Council of the Choctaw Nation in October, 1887.

Your petitioner, Nancy J. Stewart, alias Nancy J. Henry, age 50 years a resident ofthe aforesaid County and Nation, would most respectfully ask your honorable body to grant unto me by an act of the General Council, and my husband John Stewart age 61 years, and my son Joh n B. Stewart, age 25 years, and my daughter Sally Stewart age 13 years, and my daughter Esther E. Francis age 28 years and her husband B. T. Frances age 38 years, and my

7-D-1

#8

grand son James J. Goodson age 13 years, son of my daughter, Esther E. Frances by a former husband and my grand daughter Ellen V. Brinkley age 9 years also daughter of Esther E. Frances by a former, and my grandson Robery B. Brinkley age 6 years a son ofEsther E. Francisby a former husband, and my grand son Henry D. Francis by her present husband, age 2 years, and my daughterIda Bailey age 22 years, now residing in Pickens County, Chickasaw Nation, and husband J. J. Bailey age 37 years, and their child, my grand-son, Tob. I. Bailey, age 3 years, all the rights and privileges and immunities of citizenship of the Choctaw Nation, for the following reasons to-wit:

Because I am the daughter of Jane Henry who was the daughter of Jane Johnson and Jordon Johnson and Sarah Johnson was the daughter of Capt. David Burney and Sally Burney, whose maiden name was Sally Frazier, who was a lineal descendant of the Choctaw tribe ofIndians by blood, andI myself and my direct line of heirs above named are all of the Choctaw descent by blood, and therefore entitled to the rights and privileges above ask, in duty bound yourpetitioner will ever pray; this the 3rd day of May, 1887.

Nancy Stewart,

Petitioner.

Witnesses:

Wm. Simpson.

Tennessee Braxton.

and depositions of other witnesses.

There appears on the back the following :

7-B-1

#9

"Read and interpreted in the House. Referred to the Senate. Oct. 12, 1887.

Benj. F. Smallwood. Speaker.

Read and interpreted in the Senate Oct. 12, A. D. 1887,

Charles Winston, President Senate.

Rejected Oct. 28th, 1887.

Application ofNancy J. Stewart for citizenship in the Choctaw Nation.

Filed in my office this May 8, 1887.

A. Telle, Nat. Secy. C. N.

Rejected Oct. 28, 1887. Filed in my office this Oct. 15, 1887.

Simon McCoy, Clerk Committee.

G. W. Thompson, Attorney.

A Resolution rejecting the Petition ofNancy J. Stewart for citizenship.

Be it resolved by the general Council of the Choctaw Nation, assembled;

That the claim,of Nancy J Stewart to citizenship in the Choctaw Nation as set up in her petition is hereby denied, and this resolution shall take effect and be in full force from and after its passage.

Reuben Jackson,

Chmn. Com. on Citizenship.

Approved Nov. 4, 1887.

This is to certify that the above is a true and correct copy from the original act now on file in this office.

7-B-4

#10.

Given under my hand and seal of office this Nov. 19, 1887.

A. Telle,
Nat. Secy. C. N.

(Seal).

Office of National Secretary,
Choctaw Nation.

Nov. 19, 1887.

This is to certify that the herewith attached copy of the application and evidence in the case ofN. J. Stewart, claimant for citizenship in this Nation is a true and correct copy from the original now on file in this office.

Given under my hand and seal of office this Nov. 19, 1887.

(Seal)

A. Telle, Nat. Secy. C. N.

7-D-1

C O P Y

State of Louisiana.
Parish of Catahoula.

In Re.

Nancy J. Stewart,

vs

The Choctaw Nation.

The plaintiff in error in the above entitled cause being a claimant to citizenship in the Choctaw Nation, and the authorities thereof having decided that she is not entitled to citizenship therein, the case is now pending, by appeal from said decision of the Choctaw authorities, before the United States Indian Agent for the Five Civilized Tribes of the Indian Territory, at Union Agency, Muskogee, I. T.

Personallt appeared before the undersigned, C. C. Duke Clerk of the 7th ~~Judicial~~ Dist. Court of Louisiana at Harrisonburg in the Parish of Catahoula and State of Louisiana, on the 22nd day of January 1889, one James J. Massey, to me well known who upon beingduly sworn by me, deposes and says in answer to the following interrogatories, as follows:

----:----

1 -- Questions by Atty. for claimant. State your name, age and place of residence ?

Ans. James J. Massey, 60 years ofage; residence, Catahoula Parish, La.

2 -- If the claimant, Nancy J. Stewart, in the above entitled cause is personally known to you please state it, and if the mother

and father of the said Nancy J. Stewart are personally known to you please state it also, and please also state their names and where you knew them ?

Ans. The claimant Nancy J. Stewart is personally known to me; her mother and father were also personally known to me; O. D. Henry and Jane Johnson were their names. I knew them in Lawrence County, Miss.

3 -- Did you ever know one Sally Frazier, who afterwards married David Burney in the state of Mississippi ?

Ans. I knew Sally Frazier.

4 -- Did Sally Frazier have any Indian blood in her; if so to what tribe did she belong, and how do you know it ? Is it from your own personal knowledge or from some other source; of information, and if from some other source, what means did they have of knowing ?

Ans. Sally Frazier was a full blooded Choctaw Indian. I knew it from my own personal knowledge, having been well acquainted with her.

5 -- Did you know one Sarah Burney, who was the daughter of David Burney and Sally Frazier and did she marry one Jordon Johnson, if so did she have any children by said Johnson, and what were their names if you know them.

Ans. I knew Sarah Burney and she married Jordon Joh nson. She had children by said Johnson. Their names were Jane, Mary, Jordon, Denson, Frank, Albert and Tom.

6 -- Did you know Jane Johnson who first married one Brown and after his death married one Otho D. Henry in the state of Mississippi, and if they had children state their names if you know them ?

#3

Ans. I knew Jane Johnson; they had children; their names were Margaret Rowan, and Nancy Jane.

7 -- If you know any thing else that would assit the plaintiff in this case please state it ?

Ans. I know that the plaintiff was always regarded and recognized at the time as having Indian blood in her veins; I knew her from infancy and her mother also and know that they were reputed to be Indians.

1 -- Questions by Atty. for Choctaw Nation.

State, if you know, the quantity of Indian blood in Sally Frazier, and what kind ?

Ans. Sally Frazier was a full blooded Choctaw Indian.

(Signed) James J. his x Massey mark.

Sworn to and signed before me Jan'y 22nd 1889.

(Signed) C. C. Duke, Clerk.

I hereby certify that the above and foregoing are the true and correct answers of James J. Massey the witness herein, to the interrogitories herein propounded, taken under oath by me and reduced to writing by me, as delivered by the said witness orally and read over to him, to which he fixed his ordinary mark thereto, being unable to write or sign his name.

Witness my signature officially and the seal of the 7th Dist. Court, this 22nd day of Jan'y. 1889.

Seal.

(Signed) C. C. Duke,

Clerk 7th Dist. Court.

7-D-1

COPY

State of Louisiana.

Parish of Catahoula.

In Re.

Nancy J. Stewart,

vs

The Choctaw Nation.

The plaintiff in error in the above entitled cause being a applicant to citizenship in the Choctaw Nation, and the authorities thereof having decided that she is not entitled to citizenship therein, the case is now pending by appeal from said decision of the Choctaw authorities before the United States Indian Agent for the Five Civilized Tribes of the Indian Territory at Union Agency, Muskogee, I. T.

Personally appeared before the undersigned authority, C. C. Duke Clerk of the 7th District Court of Louisiana at Harrisonburg in the parish of Catahoula and state of Louisiana, on the 2nd day of January 1889, one Samuel Netherland to me well known, who upon being duly sworn by me, deposes and says in answer to the following interrogatories, as follows:

1 -- Question by Atty for claimant. State your name, age and place of residence ?

Ans. Samuel Netherland; 65 years of age; residence Catahoula Parish, La.

2 -- If the claimant, Nancy J. Stewart, in the above cause is personally known to you please state it; and if the mother and father of the said Nancy J. Stewart are personally known to you please state italso; and please also state their names and where you knew them. ?

#2

Ans. Nancy J. Stewart has been personally known to me ever since she was a little child. Her mother and father wre also personally known to me. I knew them in Lawrence Co., Miss., their names were Otho D. Henry and Jane Johnson.

3 -- Did you ever known one Sally Frazier who afterwards married David Burney, in the state ofMississippi ?

Ans. I knew Sally Frazier.

4 -- Did Sally Frazier have any Indian blood in her; if so what tribe did she belong, and how do you know it ? is it from your own personal knowledge, or from some other source of information, and if from some other source, what means did they have of knowing ?

Ans. She was called a full blooded Indian, and she looked to me like one. I know it from my own personaly knowledge, having been personally acquainted with. I also know it from my own observation as well as that of others.

5 -- Did you know one Sarah Burney who was the daughter of David Burney and Sally Frazier, and did she marry one Jordon Johnson -- if so did she have any children by said Johnson, and what were their names if you know them ?

Ans. I knew Sarah Burney -- she marriedJordon Johnson; she has children by Jordon Johnson; their names were Jane, Mary, Jordon, Denson, Frank, Albert and Thomas.

6 -- Did you know Jane Johnson who first married one Brown and after his death married one Otho D. Henry in the State of Mississippi ?

Ans. I knew Jane Johnson; they had children; by name Margaret Rowan and Nancy Jane.

7-D-1

#3

7-- If you know any thing else that would assist the plaintiff in this case please state it ?

Ans. The plaintiff was always known and recognized as having Indian blood in her veins.

1 -- Question by Atty. for Choctaw Nation.

State, if you know, the quantity of Indian blood in Sally Frazier and what kind ?

Ans. She was a full blooded Choctaw Indian.

(Signed) Samuel his x mark. Netherland.

Sworn to and signed before me

Jan'y 2nd 1889.

(Seal). (Signed) C. C. Duke, Clerk.

I hereby certify that the above and foregoing are the true and correct answers of Samuel Netherland the witness herein to the foregoing interrogatories propounded to him; taken under oath by me and reduced to writing as delivered by the said witness at the Clerk's Office Harrisonburg, La., Jan'y 2nd 1889.

(Signed) C. C. Duke, Clerk 7th Dist. Court.

(Seal).

There appears on the back the following:

"Union Indian Agency. Muscogee, Ind. Ter. 1-18-1889.

" Nancy J. Stewart claim to citizenship in the Choctaw Nation".

7-254

C O P Y

State of Louisiana.
Parish of Catahoula.

In Re.

Nancy J. Stewart,

vs

The Choctaw Nation.

The plaintiff in error in the above entitled cause being a claimant to citizenship in the Choctaw Nation, and the authorities thereof having decided that she is not entitled to citizenship therein, the case is now pending by appeal from said decision of the Choctaw authorities, before the United States Indian Agent for the Five Civilized Tribes in the Indian Territory, at Union Agency, Muskogee, I. T.

Personally appeared before the undersigned, C. C. Duke, Clerk of the 7th District Court of Louisiana at Harrisonburg in the parish of Catahoula and State of Louisiana, on the 2nd day of January, 1889, one Luella Bedard, to me well known, who upon being duly sworn by me, deposes and says, in answer to the following interrogatories as follows:

1 -- Questions by Atty for claimant.

State you name, age and place of residence ?

Ans. Ellen Louisa Bedard born King, 48 years of age; residence Catahoula Parish, La.

2 -- If the claimant Nancy J. Stewart, in the above entitled cause is personally know to you, please state it, and if the mother and father of ~~plaintiff~~ the said Nancy J/ Stewart are perspnally known to you please state it also; and please also state their names and where you knew them ?

#2

Ans. Nancy J. Stewart is personally known to me; the mother and father are not personally known to me, only by what I Have heard of them; their names were Jane Johnson and Otho D. Henry. I knew them by reputation in Lawrence County, Miss.

3 -- Did you ever know one Sally Frazier, who afterwards married one David Burney in the state of Mississippi ?

Ans. I only knew her by reputation.

4 -- Did Sally Frazier have any Indian blood in her, if so to what tribe didi she belong, and how do you know it ? is it from your own personal knowledge, or from some other source of information ? and if from some other source what means did they have of knowing ?

Ans. It was generally understood in the neighborhood that Sally Frazier was a full blooded Choctaw Indian. I know it from common rumor and those from whom I obtained the information knew it from seeing and being well acquainted with her.

5-- Did you know one Sarah Burney who was the daughter of Daviad Burney and Sally Frazier, and did she marry one Jordon Johnson -- if so did she have any children by said Johnson, and what are their names if you know them ?

Ans. I only knew her by reputation, and I know by the same means that she married Jordon Johnson, she had children by Jordon Joh nson; Jane, Mary, Jordon, Denson, Frank Albert and Thomas, were the names of her children.

6 -- Did you know Jane Johnson, who first married one Brown and after his death married one Otho D. Henry in the state of Mississippi ? and if they had children state their names ?

Ans. I knew her byreputation; they had children; their names were Margaret Stewart and Nancy Jane.

#3

7 -- If you know any thing else that would assist the plaintiff in this case please state it ?

Ans. I knew that she was always recognized and known as having Indian blood in her veins.

---:----

Question by Atty for Choctaw Nation.

1 -- State, if you know, the quantity of Indian blood in Sally Frazier, and what kind ?

Ans. I always understood from those who were well acquainted with her that she was a full blooded Choctaw Indian.

(Signed) Ellen L. Bedard.

Sworn to and signed before me Jany. 2nd 1889.

(Seal). (Signed) C. C. Duke, Clerk.

I hereby certify that the above and foregoing are the true and correct answers of Ellen Louisa Bedard (incorrectly herein styledLuella Bedard) the witness herein under oath, to the foregoing interrogatories taken and reduced to writing before me, as delivered by the said witness at the Clerk's Office, Harrisonburg, La. Jany 2nd 1889.

(Signed) C. C. Duke, Clerk.

7th Dist. Court.

(Seal).

7+8-1

COPY

State of Louisiana.
Parsih of Vernon.

In Re.

Nancy J. Stewart,

vs

The Choctaw Nation.

The plaintiff, in error, in the above entitled cause, being a claimant to citizenship in the Choctaw Nation, and the authorities thereof having decided that she is not entitled to citizenship therein, the cause is now pending, by appeal from the decision of the Choctaw authorities, before the United States Indian Agent for the Five Civilized Tribes of the Indian Territory, at Union Agency, Muskogee, I. T.

Personally appeared before the undersigned authority, Clerk Dist. Court, and Ex Officio Notary Public at Leesville, in the Parsih of Vernon and State of Louisiana, on the 15th day of January, 1889, one Stephen Netherland to me well known, who upon being duly sworn by me, deposes and says in answer to the following interrogatories, as follows:

1 -- Questions by atty. for claimant -- State you name, age and plave of residence ?

Ans. Stephen Netherland. I am 68 years of age; residence Vernon Parish, La.

2 -- If the claimant, Nancy J. Stewart, in the above entitled cause is personally known to you, please state it, and if the mother and father of plaintiff are personally known to you, please state it also, and please also state their names, and where you knew them ?

#2

Ans. She is to me personally known. And the father and mother of the plaintiff is to me personally known; their names are Otho D. Henry and Kane JohnSon. I knew them in Lawrence County, Miss.

3 -- Did you ever know one Sally Frazierwho afterwards married David Burney in the state of Mississippi.

Ans. I did.

4 -- Did Sally Frazier have any Indian blood in her, if so to what tribe did she belong and how do you know it ? Is it from your own personal knowledge, or from information derived from some other source; if from some other source, what means did they have of knowing ?

Ans. She did; and belonged to the Choctaw tribe. I know it from personal knowledge.

5 -- Did you know one Sarah Burney who was the daughter of David Burney and Sally Frazier, and did she marry one Jordon Johnson ? If so did dhe have any children by Jordon Johnson, and what were their names, if you know them ?

Ans. I did. She did marry one Jordon Johnson; yes, she has children by Jordon Johnson; Jane; Mary; Jordon; Denson; Frank; Albert & Thomas.

6 -- Did you know Jane Johnson, who first married one Brown, and after his death married one Otho D. Henry, and if they had any children, state their names if you know them ?

Ans. I did; they had two children by the name of Margaret Rhoan and Nancy Jane.

7 -- If you know any thing else that would assist the claimants in this case please state it ?

7-B-1

#3

Ans. I have known Nancy J. Stewart from infancy, and knew her mother before she was born and was acquainted with her grand father and mother, and they were all of Indian blood.

-----:-----

1 -- Questions by Atty for Choctaw Nation. State if you know the quantity of Indian blood in Sally Frazier ? And what kind ?

Ans. I am satisfied she was full blood. In Choctaw blood.

(Signed) Stephen his x Netherland mark.

State of Louisiana.
Parish of Vernon.

I, Hugh L. Sanders, Clk Dist. Court and Ex Officio Notary Public in and for the Parish of Vernon, La., do hereby certify that the foregoing answers of Stephem Netherland, the witness before named, were made before me, and were sworn to and subscribed before by the said witness Stephen Netherland.

Given under my hand and seal of office in the town of Leesville, Vernon Parish, La., this the 15th day of Jany. 1889)

(Signed) Hugh L. Sanders.

Clk Dist. Ct. & C.,

(Seal). Vernon Ph. La.

There appears on the back the following:

" Union Indian Agency. Muskogee, Ind.

Jan. 30, 1889.

Nancy J. Stewart claimant to Choctaw citizenship".

The Choctaw Nation,

vs. Claim to citizenship.

Nancy J. Stewart.

Before the U. S. Indian Agent, Union Agency, I. T.

Mar. 26, 1889.

Nancy J. Stewart, the claimant in this case claims her citizenship in the Choctaw Nation through relationship with Sally Burney, nee Frazier, and in support of her claim introduces the testimony of certain witnesses and the depositions of other parties in the state of Louisiana. These depositions have been taken since the appeal to the Agent, from the decision of the Choctaw Council, and places the case in a different light from that in which it was presented to the Council. Hence this case is submitted for your action thereon, on the merits of the evidance in the case.

Respectfully,

A. Telle.

Atty for C. N.

In appealed citizenship cases.

There appears on the back:

" No. _____

The Choctaw Nation,

vs Claim to citizenship.

Nancy J. Stewart.

A. Telle, Atty for C. N. "

7-8-1

C O P Y

Union Agency, Muskogee, I. T.

March 26, 1889.

In the matter of

Nancy J. Stewart,

vs Disputed citizenship.

Choctaw Nation.

Before the United States Indian Agent:

The plaintiff in the above styled case, by her attorney appears and shows that since the adverse action of the General Council of the Choctaw Nation on her case, she has secured the depositions of four most reputable witnesses, whose statements are made upon personal knowledge, and support all the allegations of the petition of claimant.

Said depositions were taken under notice to the Attorney representing the Choctaw Nation, and are all corroborative, one of the other, and leave no question about the right of the claimant to Choctaw citizenship.

(Signed) J. S. Standley,

Atty. for claimant.

There appears on the back:

"30990. 1889. Indian Office. Inclos No. 1.

" 6857 Department of the Interior. Indian Div. Received Nov. 16, 1889.

" 33443. Indian Office. Inclos No. 5. 1889. "

Muskogee, Indian Territory,
August, 18th 1900.

John B. Stewart,
Center, Indian Territory.

Dear Sir,-

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs McKennon, Mansfield, McMurray & Cornish, has filed with this Commission a notice of protest to your enrollment and to the enrollemnt of John D. Stewart, Stella May Stewart and George E. Stewart as citizens of the Choctaw Nation.

The Commission, commencing December, 3RD, 1900, hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in support of this application, and this hearing will be final.

Yours truly,

Acting Chairman.

7-D-1.

Muskogee, Indian Territory, October 18, 1900.

Elias Folsom,

Delberg, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the 11th instant in which you desire to be informed if John B. Stewart is a citizen of the Choctaw Nation.

You are informed that the records of this Commission show that John B. Stewart, 36 years of age, together with his three children, John D., Stella May and George E. Stewart of Center, Indian Territory, were listed for enrollment as doubtful claimants to citizenship in the Choctaw Nation on September 2nd, 1898.

The Commission has not at this time passed upon their claim and the Choctaw nation has recently, through its representatives, Messrs. McKennon, Mansfield, McMurray & Cornish, filed a protest with this Commission as to the final enrollment of these parties as citizens of the Choctaw Nation. The Commission has notified Mr. Stewart of the filing of such protest and also that at Atoka, Indian Territory, beginning December 3rd, 1900, the Commission will hold a session for hearing additional testimony and written arguments in support of the claims of applicants and also offered by the attorneys for the Nation.

Pending the final disposition of this case by the Commission, the applicant and his children will be recognized as citizens of the Choctaw Nation.

Yours truly,

Choctaw D 1

Muskogee, Indian Territory, March 7, 1902.

John B. Stewart,

Ada, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 3rd instant, replying to our communication of February 25, 1902, notifying you that the applications of John B., John D . and Stella May Stewart as citizens of the Choctaw Nation would be taken up by the Commission for final consideration at its office at Muskogee, Indian Territory, on the first day of April, 1902.

In your letter of the 3rd instant you advise the Commission that you have three other children besides John D. and Stella May, namely, George E., Wyncma B. and Knox Stewart whose names were not included in the letter of notification of February 25, 1902.

You now desire to be advised if there is any question as to the enrollment of your three youngest children.

You are informed that it appears from our records that your wife, Sarah I. Stewart, was an applicant to this Commission for citizenship in the Choctaw Nation under the provisions of the act of Congress of June 10, 1896, and was denied, from which decision an appeal was taken to the United States Court for the

J B S S

Central District of the Indian Territory and that court on August 30, 1897, admitted your wife, Sarah I. Stewart, as a member by blood of the Choctaw Nation .

Your three youngest children, George B., Wynona E. and Knox Stewart, having been born subsequent to the date of the filing of the original application of your wife for citizenship in the Choctaw Nation under the provisions of the act of Congress of June 10, 1896, their status would be the same as that of their mother and the question now before the Commission is as to your enrollment and the enrollment of your two children, John D. and Stella May Stewart .

If it is your intention to offer any additional testimony in support of your application and that of your two children for enrollment as citizens of the Choctaw Nation, you or such witnesses as you may present will be heard at the office of the Commission at Muskogee, Indian Territory, April 1, 1902 and at the same time an opportunity will be afforded the Choctaw Nation to introduce testimony affecting your rights to enrollment but the representatives of the said Nation will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

After that date the Commission will render its decision as to the rights of the several applicants to enrollment upon such

J B S 3

evidence and testimony as may have been submitted.

Yours truly,

Commissioner in Charge.

Muskogee, Indian Territory, February 11, 1902.

John B. Stewart,

Ada, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the application for enrollment as a citizen of the Choctaw Nation of Knox Stewart, the infant son of John B. and Sarah I. Stewart, born February 5, 1902, and the same being in proper form, has been duly filed with the records of this office and the child listed for enrollment as a citizen of the Choctaw Nation.

Yours truly,

Commissioner in Charge.

Choctaw D-1.

COPY.

Muskogee, Indian Territory, July 20, 1903.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission, rendered July 20, 1903, granting the application of John B. Stewart, and his minor children, John D. Stewart, Stella May Stewart, George E. Stewart, Wynona Elizabeth Stewart and Emma Stewart, for enrollment as citizens by blood of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling the applicants herein as citizens of the Choctaw Nation. If at the expiration of that time, no protest has been filed, the names of the applicants will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED) T. B. Needles.
Commissioner in Charge.

Registered.
Enc. IT&S.51/20

COPY.

Choctaw-B-1.

Muskogee, Indian Territory, July 20, 1903.

J. G. Wells,

Attorney-at-Law,

Atoka, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission, rendered July 20, 1903, granting the application of John B. Stewart, and his minor children, John D. Stewart, Stella May Stewart, George F. Stewart, Wynona Elizabeth Stewart and Knox Stewart for enrollment as citizens by blood of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling the applicants herein as citizens of the Choctaw Nation. If at the expiration of that time, no protest has been filed, the names of the applicants willmbe placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Registered.

Enc. IBS. 30/20.

(SIGNED) T. B. Needles.
Commissioner in Charge.

Choctaw-2-1.

COPY.

Muskogee, Indian Territory, July 20, 1903.

John D. Stewart,

Ada, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission, rendered July 20, 1903, granting the application of John D. Stewart and his minor children, John D. Stewart, Stella May Stewart, George B. Stewart, Wynona Elizabeth Stewart and Kate Stewart for enrollment as citizens by blood of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling the applicants herein as citizens of the Choctaw Nation. If at the expiration of that time, no protest has been filed, the names of the applicants will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED) T. B. Needles.
Commissioner in Charge.

Registered.

Enc. 133. 29/20

COPY.

Muskogee, Indian Territory, August 7, 1903.

The Honorable,

The Secretary of the Interior,

Sir:

There is inclosed herewith original record in the matter of the application of John B. Stewart for the enrollment of himself and his children, John D. Stewart, Stella May Stewart, George E. Stewart, Wynona Elizabeth Stewart and Knox Stewart as citizens by blood of the Choctaw Nation, together with the decision of the Commission enrolling said applicants and the protest of the attorneys for the Choctaw and Chickasaw Nations to the action of the Commission therein.

Respectfully,

(SIGNED) T. B. Needles,
Commissioner in Charge.

Choctaw D 1

Through the Commissioner
of Indian Affairs.

Choctaw 15
Choctaw D 1

Muskogee, Indian Territory, March 30, 1904.

S. R. Tolbert,

Ada, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of March 24, asking the status of the enrollment of John Stewart and his wife, Ida Stewart, of Ada, Indian Territory.

In reply to your letter you are advised that on July 20, 1903, the Commission rendered its decision granting the application for the enrollment of John B. Stewart and his children, John D., Stella May, George E., Wynona Elizabeth and Knox Stewart, as citizens by blood of the Choctaw Nation, and on July 29, 1903, the protest of the attorneys for the Choctaw and Chickasaw Nations to this action was filed with the Commission. On August 7, 1903, the protest of the attorneys for the Choctaw and Chickasaw Nations, together with the original record and decision of the Commission was forwarded the Secretary of the Interior, and the Commission has not been advised of Departmental action thereon.

It further appears that Sarah I. Stewart, wife of John B. Stewart was admitted to citizenship in the Choctaw Nation by a judgment of the United States Court for the Central District of the Indian Territory, rendered at South McAlester, August 20, 1897, in

court case, citizenship docket, Number 56. It does not appear that any appeal was taken in this case to the Choctaw and Chickasaw Citizenship Court created under the provisions of the act of Congress of July 1, 1898.

If these are not the persons concerning whom you inquire, and you will give further information which will enable the Commission to identify them upon its records the matter of your inquiry will receive further consideration.

Respectfully,

Commissioner in Charge.

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS
WASHINGTON April 8, 1904.

Land.
51226-1903.
56934-1903.
58206-1903.
62940-1903.
20267-1904.

(Copy)

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith a report from the Commission to the Five Civilized Tribes, dated August 11, 1903, transmitting the record of the application of John B. Stewart for the enrollment of himself and his children John D., Stella May, George E., Wymona Elizabeth and Knox Stewart as citizens by blood of the Choctaw Nation.

July 20, 1903, the Commission held that all the applicants were entitled to enrollment as citizens by blood of the Choctaw Nation.

September 2, 1903, Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations filed a brief and argument in this case. They take the position that the right of these applicants should not be passed upon until such time as the Citizenship Court shall have rendered a decision in the case of G. F. King et al, versus the Choctaw Nation to which Sarah I. Stewart

wife of John B. Stewart, is a party. September 7th last these attorneys informed the office that they had forwarded a copy of their brief to John B. Stewart, at Center, Indian Territory, his last known postoffice address.

September 28, 1903 (I.T.D. 5299) the Department forwarded to this office a communication from said attorneys requesting that action on the case be withheld pending a decision of the Choctaw-Chickasaw Citizenship Court upon cases involving parallel and identical questions.

March 23, 1904, J. G. Ralls forwarded to the office a brief and argument in the case. Registry receipt attached, thereto indicates that a copy of the brief has been mailed to Mansfield, McMurray & Cornish. The record in this case shows that John B. Stewart was included in the original application of Nancy J. Stewart, et al, for admission as citizens of the Choctaw Nation in 1887. On November 4, of that year, they were rejected by the Choctaw Council. From the record it appears that the Council with reference to the claim of Nancy J. Stewart and others passed the following resolutions:

> be it resolved by the General Council of the Choctaw Nation assembled- That the claim of Nancy J. Stewart to citizenship in the Choctaw Nation as set up in her petition is hereby denied, and these rules shall take effect and be in force from and after its passage.

From this decision an appeal was taken to the United

States Indian Agent in pursuance of the provisions of Section 3 of an act of the National Council, Choctaw Nation, approved October 21, 1882, providing for such appeals to the Indian Agent, which Act was approved by the Department March 15, 1884, with the proviso that the findings of the Indian Agent in each case appealed to him should be submitted to this office for final adjudication by the Department (See annual report of Indian Affairs, 1884, pages XLIII, XLIV, XLV). The then agent, Lee E. Bennett, rendered a decision in this case October 12, 1889, in favor of the applicants and in November 19, 1889, his decision was approved by the Department. A copy of the Department's decision appears in the case. The record forwarded in the case shows that Sarah I. Stewart, wife of John B. Stewart, with others, applied to the Commission in 1896 for admission to citizenship in the Choctaw Nation in accordance with the provisions of the Act of June 10 of that year. In the case of G. E. King et al, she applied for citizenship by blood. On December 7, 1896, the Commission denied her application and an appeal was taken to the United States Court for the Central District of Indian Territory. August 30, 1897, the Court rendered a decree reversing the decision of the Commission as to Sarah I. Stewart, and admitted her to citizenship by blood in the Choctaw Nation under the name of Sarah Stewart, and the Commission in their decision say that pursuant to this decree,

Sarah I. Stewart has been listed for enrollment but that her rights to final enrollment have not been passed upon and she is not therefore included in their decision.

John B. Stewart is identified upon the 1893 Choctaw Leased District payment roll, Atoka County, opposite number 960. The record shows that he has resided in the Choctaw Nation since 1878.

February 5, 1894, W. N. Jones, the then Principal Chief of the Choctaw Nation, issued the following:

> To all whom it may concern:
> This is to certify that the following named parties; viz., Nancy J. Stewart and her husband John Stewart, and their children; 1st, Ester Allan, her children J.J. Goodson and Henderson. 2nd, Veda Brinkley & R. B. Brinkley, 3rd, J. B. Stewart. 4th, T. H. Bailey, Ida L. Bailey, Viola Bailey. 5th, Sallie Stewart, are entitled to all the priveleges and rights of other Choctaw citizens, haing proved their citizenship before the proper authorities.

It appears from the brief and other papers forwarded by the attorneys for the Choctaw and Chickasaw Nations that they desire to have final decision withheld in this case because of the fact that John B. Stewart was admitted to citizenship in 1887 by the United States Indian Agent on appeal from the decision of the Council.

February 18, 1904, (I. T.D. 7118-1904) the Assistant Attorney General for the Interior Department held that the application of the attorneys for the Choctaw and Chickasaw

Nations for suspension of Departmental action for the enrollment of or allotment to persons basing their rights upon admission to citizenship by the General Council of the Choctaw Nation or upon the decision of the United States Indian Agent upon appeal from the Council, should be denied.

In view of the records and considering the opinion of the Assistant Attorney General of February 18th last, it is the opinion of this office that the parties applicant to the case are entitled to enrollment as citizens by blood of the Choctaw Nation and it is therefore recommended that the decision of the Commission favorable to them be approved.

Very Respectfully,

GAW-WDW

A. C. Tonner,
Acting Commissioner.

DEPARTMENT OF THE INTERIOR, WCY

D. C. 46820-1904.
I.T.D. 2996-1904. WASHINGTON, FKE

LRS December 1, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

On August 7, 1903, you transmitted the record in the matter of the application of John B. Stewart for the enrollment of himself and his minor children John D., Stella May, George E., Wyona Elizabeth and Knox Stewart, as citizens by blood of the Choctaw Nation, including your decision of July 20, 1903, holding that the applicants should be enrolled as citizens by blood of the Choctaw Nation, in accordance with the provisions of section 21 of the act of Congress approved June 28, 1898 (30 Stat., 495).

It appears that the principal applicant John B. Stewart was included in the original application of Nancy Jane Stewart, et al, made in the year 1887 to the Choctaw National Council for admission to citizenship in the Choctaw Nation, which application was rejected by the Council; that an appeal was taken from this decision to the United States Indian Agent, and that on October 12, 1889, the Indian Agent rendered a decision in favor of all the parties to said application, which decision was approved by the Department November 19, 1889.

It also appears that the minor applicants herein are the children of said John B. Stewart and were born subsequent to his admission to citizenship.

It appears that John B. Stewart is also identified on the 1893 Choctaw Leased District Payment Roll, Atoka County, page 98, number 960; that he has been a resident of Indian Territory since 1878, and that the minor applicants herein have resided all their lives in said Territory.

The attorneys for the Choctaw Nation protest against your decision and submit a brief in support of their protest, in which they request that your decision be not approved, that the case be remanded to you with directions to notify the applicants that they will be required to show by affirmative and conclusive testimony, exclusive of any recognition or enrollment by the tribes, that they are Choctaw Indians and such Choctaw Indians by blood as are, under the treaties and laws governing, entitled to enrollment and distribution of tribal property, and that the Choctaw and Chickasaw Nations be permitted to offer as a part of the record, the record in the case of G. F. King vs. the Choctaw Nation, together with such other testimony as they may desire to offer, and that the case be readjudicated by you.

Said protest and argument have been duly considered, as well as the brief filed by the attorneys for the applicant in the case.

Reporting April 6, 1904, the Acting Commissioner of Indian Affairs recommends that in view of the opinion of the Assistant Attorney General of February 18, 1904 (I.T.D. 7118-1904), your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

Thos Ryan
Acting Secretary.

1 inclosure.

Choctaw 3877

Muskogee, Indian Territory, December 9, 1904.

John B. Stewart,

Box #314, Ada, Indian Territory,

Dear Sir:

You are hereby advised that on December 1, 1904, the Secretary of the Interior affirmed the decision of the Commission of July 20, 1903, granting your application for the enrollment of yourself and your children, John D., Stella May, George E., Wynona Elizabeth and Knox Stewart as citizens by blood of the Choctaw Nation.

T Respectfully,

Chairman.

Choctaw 1077

Muskogee, Indian Territory, December 9, 1904.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

There is inclosed herewith copy of Departmental letter of December 1, 1904, (I. T. D. 8993-1904) affirming the decision of the Commission of July 20, 1904, rejecting the application for the enrollment of John B. Stewart and his children, John E., Stella May, George E., Wynona Elizabeth and Knox Stewart, as citizens by blood of the Choctaw Nation.

Respectfully,

Chairman.

AB 6-9

Choctaw 5877

Muskogee, Indian Territory, December 9, 1904.

J. G. Ralls,

Attorney at Law,

Atoka, Indian Territory,

Dear Sir:

There is inclosed herewith, for your information, copy of Departmental letter of December 1, 1904, affirming the decision of the Commission of July 20, 1903, granting the application of John B. Stewart for the enrollment of himself and his children, John D., Stella May, George E., Wynona Elizabeth and Knox Stewart, as citizens of the Choctaw Nation.

Respectfully,

Chairman.

AB 7-9

7 D 1

Muskogee, Indian Territory, April 18, 1902.

John B. Stewart,

Ada, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 14th instant requesting to be advised whether evidence of the birth of your child George E. Stewart has been received by the Commission.

You are informed that the affidavits of Sarah I. Stewart and M. L. Cruse relative to the birth of your minor child George E. Stewart on July 31, 1899, were received at this office and duly filed with the records of the Commission April 8, 1902.

Yours truly,

Acting Chairman.

V-D-1
V-D-5
V-D-7

Muskogee, Indian Territory, July 15, 1905.

J. S. Ralls,

Attorney at Law,

Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of July 10, asking the status of the enrollment of John B. Stewart, his wife and children, and his sister, Ida L. Bailey, and her husband, J.J. Bailey.

In reply to your letter you are informed that it appears from our records that John B. Stewart and his children, John D., Stella May and George E., and his sister, Ida L. Bailey, and her children, Tobias J. and Viola, have been listed among the doubtful claimants to enrollment as citizens of the Choctaw Nation, and their final right to such enrollment has not yet been determined. As soon as decisions are reached in these cases you will be notified of the action of the Commission.

It further appears from our records that J.J. Bailey,

husband of Ida L. Bailey, and Sarah I. Stewart, wife of John B. Stewart, have been admitted to citizenship by a judgment of the United States Court for the Central District of the Indian Territory.

Under the provisions of the Act of Congress of July 1, 1902, ratified by the Choctaw and Chickasaw Nations September 25, 1902, the Commission is prohibited from enrolling or making any allotment of lands in the Choctaw and Chickasaw Nations to persons whose rights to citizenship depend upon judgments of United States Courts in Indian Territory, until their rights to such citizenship are finally determined. You are further informed that the Commission has not yet taken up for consideration any cases of this character.

Respectfully,

Commissioner in Charge.

1 7281

Muskogee, Indian Territory, August 7, 1903.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of July 28, inclosing protest of the Choctaw and Chickasaw Nations to the action of the Commission in enrolling John B. Stewart, et al. as citizens by blood of the Choctaw Nation.

You are hereby advised that the original record in this case, together with the decision of the Commission enrolling the applicant therein, and the protest of the Choctaw and Chickasaw Nations has this day been transmitted to the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

Choctaw # 1

Muskogee, Indian Territory, September 4, 1903.

Mansfield, McMurray & Cornish,

South McAlester, Indian Territory,

Gentlemen:

Receipt is hereby acknowledged of your letter of September 2, asking the present post office address of John B. Stewart, and in reply thereto you are informed that it appears from our records that the last known post office of John B. Stewart is Center, Indian Territory.

Respectfully,

Chairman.

Choctaw 3 1

Muskogee, Indian Territory, December 17, 1903.

John B. Stewart,
Ada, Indian Territory.

Dear Sir:

Your letter of December 1, 1903, addressed to the Secretary of the Interior, has been by him referred to this Commission for consideration and appropriate action. Therein you ask why your enrollment has not been approved.

In reply to your letter you are advised that on July 20, 1903, the Commission rendered its decision granting your application for enrollment as a citizen of the Choctaw Nation, and on the same date you were notified of this decision and advised that the attorneys for the Choctaw and Chickasaw nations had been allowed fifteen days within which to [illegible] of the decision. On July 29, 1903, the attorneys for the Choctaw and Chickasaw Nations filed protest to the action of the Commission in enrolling you and your family, and on August 7, 1903, the record in your case, together with the protest of attorneys for the Choctaw and Chickasaw Nations, was forwarded to the Secretary of the Interior. The Commission has not yet been notified of departmental action thereon.

Respectfully,

Chairman.

Choctaw D 1
Chickasaw D 107

Muskogee, Indian Territory, October 10, 1904.

J. M. Perry,

Ada, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of October 7, asking the status of the enrollment of Thomas St. John, an intermarried citizen of the Chickasaw Nation and John B. Stewart, a Choctaw by blood.

In reply to your letter you are advised that the Commission has not yet passed upon the application for the enrollment of Thomas St. John as an intermarried citizen of the Chickasaw Nation, but will, as early as practicable, take up the same for consideration and determination. When a decision is reached the applicant will be notified of the action taken therein.

You are further ed that on July 20, 1903, the Commission rendered its decision granting the application for the enrollment of John B. Stewart as a citizen by blood of the Choctaw Nation, and on the same date notice thereof was forwarded the applicants.

On August 7, 1903, the record and decision in this case, together with the protest of the attorneys for the Choctaw and Chickasaw Nations to the action of the Commission in enrolling the applicant, were forwarded the Department. The Commission has not as yet

/ M P S

been advised of Departmental action in this case, but when such notice is received the applicant will be duly informed.

Respectfully,

Chairman.

Muskogee, Indian Territory, December 10, 1904.

Commissioner in Charge,

Choctaw Land office,

Atoka, Indian Territory.

Dear Sir:

There is enclosed herewith copy of Choctaw roll card field number 15 as the original appears in our office.

You are therefore directed to make the duplicate card of this number in your possession conform to the copy herewith enclosed.

Respectfully,

Enc. WB.8-10

Chairman.

7-D-977

Muskogee, Indian Territory, January 31, 1905.

John B. Stewart,
Box 314,
Ada, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of January 23, 1905, asking if the citizenship of your wife Sarah I. Stewart has yet been determined.

In reply to your letter you are informed that the Commission has not yet passed upon the application of Sarah I. Stewart for enrollment as an intermarried citizen of the Choctaw Nation, but as soon as a decision is reached in this case, you will be notified of the action taken therein.

Respectfully,

Chairman.

Muskogee, Indian Territory, March 27, 1903.

Ledbetter & Bledsoe,

Attorneys at Law.

Ardmore, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of March 20, 1903, asking the present status of the application of Sarah I. Stewart for enrollment as an intermarried citizen of the Choctaw Nation.

In reply to your letter you are informed that the Commission has not yet passed upon the application of Sarah I. Stewart for enrollment as an intermarried citizen of the Choctaw Nation, but you will be advised of such further action as may be taken in this case.

Respectfully,

Chairman.

7-B-877.

Muskogee, Indian Territory, May 23, 1905.

J. C. Mills,
Attorney at Law,
Ateka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of May 13, relative to the application of Sarah I. Stewart, wife of John B. Stewart, for enrollment as an intermarried citizen of the Choctaw Nation.

In reply to your letter you are advised that the Commission has not yet passed upon the application of Sarah I. Stewart for enrollment as an intermarried citizen of the Choctaw Nation, but is now taking up for consideration and determination as rapidly as possible all applications pending before it. When a decision is reached in this case you will be notified of the action taken therein.

Respectfully,

Chairman.

T-D-877

Muskogee, Indian Territory, August 24, 1903.

J. S. Bailey,

Attorney at Law,

Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of August 22, 1903, asking to be advised if further evidence is necessary in the matter of the application of [illegible] Stewart for enrollment as an intermarried citizen of the Choctaw Nation in order that you may furnish the same.

In reply to your letter you are advised that it is not believed that further evidence is necessary at this time to enable this office to determine the rights of the above named application to enrollment as an intermarried citizen of the Choctaw Nation.

Respectfully,

Commissioner.

4-B-277

Muskogee, Indian Territory, September 16, 1903.

John E. Stewart,

Post Office Box #314,

Ada, Indian Territory.

Dear Sir:

You are hereby notified that before any further action can be taken in the matter of the enrollment of Sarah I. Stewart as a citizen by intermarriage of the Choctaw Nation, it will be necessary for you to furnish this office with a sworn statement showing the residence of yourself and wife at the time of your marriage, and for this purpose there is inclosed you herewith, a blank affidavit which you are requested to take before some Notary Public and give answers to the questions therein propounded, returning the same in the inclosed envelope which requires no postage.

Respectfully,

LM 1/16

Env.

Acting Commissioner.

7-D-977

Muskogee, Indian Territory, December 8, 1905.

Sarah I. Stewart,
Box 314,
Ada, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of December 5, 1905, asking if the attorneys for the nation have filed protest against your enrollment.

In reply to your letter you are advised that no protest was filed to the decision of the Commissioner to the Five Civilized Tribes in granting your application for enrollment as an intermarried citizen of the Choctaw Nation and your name will be placed upon the next schedule of such citizens prepared for forwarding to the Secretary of the Interior.

Respectfully,

Acting Commissioner.

Choc 5878 Mary Ann Thurston

5878

Choctaw Court Card C. 76

IN RE application of Mary A. Thompson and others.

Mary A . Thompson says:

I am 40. I am mother of Benjiman A. and Martha E. and Mary A. Freeny, and Winnie E. Thompson, all admitted by the U.S. Court at South McAlester, August 25th 1897, except Winnie E. born September 1st 1898.

I have lived in the Chickasaw Nation about 15 years. I lived in the C hoctaw Nation about 7 or 8 years before I came to the Chickasasaw Nation.

A.G. Freeny was father of Benjiman A., Marthe E., and Mary A. Freeny. He was a Choctaw citizen and recognized as such. I was ma rried to him. He is dead. I am now wife of Miram Thompson. I was married to him according to U.S. law, 4 years ago, on October 7th.

The names of my children Benjiman A. and Marthe. Freeny , appear in the decree as Benjiman Andrew Thompson, and Martha Elizabeth Thompson. Their right names are Freeny and not Thompson. These children as given by me are the identical persons admitted in the decree.

Paul's Valley, Sept. 15 1898.

Mary A. Thompson
Benjiman A. Freeny
Martha E. Freeny
Mary A. Freeny
Winnie E. Thompson

enrolled.

Choc 5879 Lula Nelson

Trans from Choc Docket D-30 Feb 1, 1905

5879

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Record in the matter of the application for enrollment as a citizen by intermarriage of the Choctaw Nation, of

LULA NELSON.

7-D-30

Mr. A P Harkins

Miss Loula Marris

Marriage Certificate.

ISSUED Nov 20th 1

DAY OF 190

N. Shields J. P.

MARRIAGE CERTIFICATE

By virtue of a marriage license issued on the 20th day of November 1895 by A J Thompson County Clerk of Cooke County, Texas, I, M Snider Justice of the Peace in and for Precinct No. 1 Cooke County, Texas, united in marriage Mr. A P Harkins and Miss Lula Morr

To Certify which, witness my official signature at Gainesville this 20th day of Nov. 1895.

M Snider

J. P. PRECINCT, No. 1 COOKE CO., TEXAS.

7-D-30.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
TISHOMINGO, INDIAN TERRITORY, SEPTEMBER 6, 1904.

In the matter of the application for the enrollment of Lula Nelson as a citizen by intermarriage of the Choctaw Nation.

Examination by the Commission:

Q What is your name? A Lula Nelson.
Q How old are you? A Thirty-seven.
Q What is your post office address? A Lone Grove, I.T.
Q You claim rights as a citizen by intermarriage of the Choctaw Nation? A Yes sir.
Q What is the name of the Choctaw Indian through whom you claim those rights? A Albert Pike Harkins.
Q Is he a recognized and enrolled citizen by blood of the Choctaw Nation? A Yes sir.
Q Of what nation were you a resident at the time of your marriage to Albert Harkins? A Chickasaw Nation.
Q Of what Nation was he a resident at the time of his marriage to you? A Living in the Chickasaw Nation.
Q Did you obtain a tribal license to marry? A No sir.
Q Under what law were you married to him? A Under United States law, I reckon.
Q Were you ever married before your marriage to him?
A Yes sir.
Q Was he married before his marriage to you? A Yes sir.
Q How many times? A Just one.
Q What is the name of his former wife? A I do not know.
Q Was she living or dead before his marriage to you? A I do not know or he did not know, they were separated and he heard that she died.

Q How long prior to your marriage to Albert Pike Harkins had he been separated from his wife? A I think eight or ten years; I could not say for certain, quite awhile.
Q During that eight or ten years did your husband ever hear of his former wife? A If he did I did not know it; I know he did not because he did not say anything about it.
Q He never heard whether she was living or dead? A He heard she was dead but did not know for certain; he separated and he divorced from her.
Q Did you say that he obtained a divorce? A I think he did, well I tell you he had got into some trouble and been sent to the pen and when he come back he never did live with her any more.
Q Did she ever hear from him? A No sir, not that I know of.
Q She was gone when he came back? A No sir, but she left.
Q How long was it from the last time he heard of her living until you were married? A I do not know, long time.
Q How many years, four or five years? A Five years, I reckon quite a little while; he never did talk much about her and neither did I.
Q Did you apply to the Commission in 1896 as a citizen by intermarriage of the Choctaw Nation? A Yes sir.
Q Were you admitted? A Yes sir.
Q Was any appeal taken from that decision of the Commission?
A Not that I know of.

It appears from the records of the Commission that the applicant, Lula Nelson, was admitted in 1896 as a citizen by intermarriage of the Choctaw Nation, in Choctaw citizenship case number 408, from which decision of the Commission no appeal was taken.

Q Since your admission in 1896 where have you been living?
Q In Lone Grove.
Q In the Chickasaw Nation? A Yes sir.
Q Since your admission in 1896 up to and including September 25, 1902 you have lived continuously in the Chickasaw Nation?
A Yes sir.
Q Have you married since 1896? A Yes sir.
Q What is the name of that husband? A George Nelson.
Q Were you married more than once since 1896? A No sir.
Q Is George Nelson a white man? A Yes sir.
Q Claims no rights as a citizen of either Nation? A No sir.
Q When did your Indian husband die? A He died January '96, I stayed over him till the last.

7-D-30.--3.

Lula Nelson being first duly sworn upon her oath deposes and says that the above testimony as given by her at Tishomingo, Indian Territory on September 8, 1904 is the truth, the whole truth and nothing but the truth.

Lula Nelson

Subscribed and sworn to before me this the 5 day of [illegible], 1904.

Notary Public.

My commission expires [illegible] 30. 1904

Daisy D. Daubin upon oath states that as stenographer to the Commission to the Five Civilized Tribes she correctly recorded the testimony in the above entitled cause and that the foregoing is an accurate transcript of her stenographic notes thereof.

Daisy D. Daubin

Sworn to before me this the [illegible] day of [illegible] 1904.

Choctaw 3-30.

Muskogee, Indian Territory, February 20, 1902.

Lula Nelson,

Bonegreve, Indian Territory.

Dear Madame:

You are hereby notified that your application for enrollment as a citizen of the Choctaw Nation will be taken up by the Commission to the Five Civilized Tribes for final consideration at its office in Muskogee, Indian Territory on the 2nd day of April, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting said application.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

The Commission to the Five Civilized Tribes

T. B. Needles.

Commissioner in Charge.

Register.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Lula Nelson for the enrollment of herself as an intermarried citizen of the Choctaw Nation.	---D 30---

On February 25, 1902, the applicant, Lula Nelson, was notified by registered mail that the application for the enrollment of herself as an intermarried citizen of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 2nd day of April, 1902, for final consideration.

Now, on this 2nd day of April, 1902, this cause coming on to be heard pursuant to said notice, the following appearances were made:

A P P E A R A N C E S :

The applicant, Lula Nelson, appears by her attorneys, Gilbert & Gilbert, of Duncan, I. T.,	No appearance by attorneys for the Choctaw Nation.

STATEMENT BY COUNSEL:

MR GILBERT: We will submit this case upon the record now on file.

By the Commission: This case will be considered by the Commission upon the testimony on file and the record now made.

Harry C. Ristean, being first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled case on the 2nd day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Harry C. Ristean

Subscribed and sworn to before me this 2nd day of April, 1902.

Clarence Cullwood

Notary Public.

Choctaw D-30.

In the matter of the enrollment of Lula Nelson as an intermarried citizen of the Choctaw Nation.

PROTEST of
Choctaw and Chickasaw Attorneys.

Protest overruled by Dept March 31, 1904.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
FEB 6 1904

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Lula Nelson as a citizen by intermarriage of the Choctaw Nation, Choctaw Field No. D. -30.

- - - - - - -

We hereby request, on behalf of the Choctaw and Chickasaw Nations, that final decision in this case be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of Preston Early, et al., vs. Choctaw and Chickasaw Nations, No. 64 on the South McAlester Docket, in which the said court will decide the question of the citizenship rights by intermarriage, if any, of those white persons who intermarried with citizens by blood of the Choctaw Nation not in accordance with the tribal laws, which question is involved in the case to which this communication refers.

This request is filed under authority granted by the Honorable Secretary of the Interior in his communication to the Commission to the Five Civilized Tribes upon the subject, dated November 18, 1903.

Attorneys for the Choctaw & Chickasaw Nations.

January 23, 1904.

7-D-30.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

--oOo--

In the matter of the application of Lula Nelson for enrollment as a citizen by intermarriage of the Choctaw Nation.

---: D E C I S I O N :---

It appears from the records of the Commission that on September 3, 1896, in the case entitled "Lula Harkins vs. Choctaw Nation" (1896 Choctaw Citizenship Docket, case No. 408) Lula Nelson (formerly Lula Harkins) made original application to this Commission for admission to citizenship in the Choctaw Nation, claiming the right thereto by reason of her marriage on November 20, 1895 to Albert P. Harkins, a recognized and enrolled citizen by blood of the Choctaw Nation, who is identified upon the 1893 Choctaw Census Roll, Blue County, No. 536, and who died in January 1896; that on December 2, 1896 this Commission rendered its decision therein admitting the applicant herein (as Lula Harkins) as a citizen by intermarriage of the Choctaw Nation, from which decision of the Commission no appeal was taken.

It further appears from the record herein that subsequent to the death of said Albert P. Harkins the applicant was married to George Nelson, a white man claiming no rights of Choctaw citizenship by blood, and that the applicant has been a resident in good faith of the Chickasaw Nation continuously since the date of her marriage to the said Albert P. Harkins up to and including September 25, 1902.

It is, therefore, the opinion of this Commission that following the ruling of the Department in the case of Thornton D. Pearce (I. T. D. 4060-1904 relative to the question of forfeiture, Lula Nelson should be enrolled as a citizen by intermarriage of the Choctaw Nation in accordance with the provisions of the Acts of Congress approved June 28, 1898, (30 Stats., 495), and July 1, 1902 (32 Stats., 641) and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory.

JAN 16 1905

Chestaw 3 30.

COPY.

Muskogee, Indian Territory, January 16, 1908.

Lula Holmes,

Lone Grove, Indian Territory,

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered January 16, 1908, granting your application for enrollment as a citizen by intermarriage of the Chestaw Nation.

The attorneys for the Chestaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling you as a citizen of the Chestaw Nation. If at the expiration of that time no protest has been filed, your name will be placed upon the final rolls of the citizens of the Chestaw Nation to be submitted to the Secretary of the Interior for His approval.

Respectfully,

Tams Bixby

Chairman.

Registered.

Inel. 7-2-30.

Choctaw D-30.

COPY.

Muskogee, Indian Territory, January 16, 1905.

Gilbert & Gilbert,
Attorneys at Law,
Duncan, Indian Territory,

Gentlemen:

You are hereby notified that the Commission to the Five Civilized Tribes, on January 16, 1905, rendered its decision granting the application for the enrollment of Lula Nelson as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, her name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Tams Bixby

Chairman.

Registered.

Choctaw D 30

COPY.

Muskogee, Indian Territory, January 16, 1906.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission rendered January 16, 1906, granting the application for the enrollment of Lula Nelson as a citizen by intermarriage of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, her name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Tams Bixby

Chairman.

Registered.
Incl. T-D-30.

See Choctaw 6563 for registry receipt for this letter.

Muscogee, Indian Territory,

August 16th, 1900.

Lula Nelson,

Lone Grove, Indian Territory.

Dear Miss:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs McKennon, Mansfield, Moorray & Cornish has filed with this Commission a notice of protest to your enrollment as citizen of the Choctaw Nation.

The Commission, commencing December 3rd, 1900, hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Acting Chairman.

7-D-30

Muskogee, Indian Territory, August 31, 1900

Mrs. Lula Hawkins Nelson,

Lone Grove, Indian Territory,

Dear Madam:

The Commission is in receipt of your letter of the 27th instant, acknowledging receipt of our letter of the 18th in regard to the matter of the protest entered by the Choctaw Nation as to your enrollment as a citizen of that Nation. You request the Commission to furnish you with information as to what steps will be necessary for you to take in this matter, as to what testimony or evidence will be required of you and whether it will be necessary for you to employ an attorney. You also request that the Commission forward you the certificate that was granted by the Commission June 10th, 1896, which was signed by the Secretary of the Interior.

You are informed that the Commission cannot at this time attempt to go into the merits of each of these cases in which the Choctaw Nation has filed a protest. The Commission is only in receipt of a general protest by the Chickasaw Nation through its representatives and has in justice to all such applicants, notified them that such protest has been filed and required the attorneys of the Choctaw Nation to serve on such applicants prior to October 31st, 1900, a notice stating the grounds upon which such protest is filed.

As to what testimony will be necessary for you to bring before the Commission at its session in Ardmore next December, this is a matter which you will have to decide for yourself. You are

L. H. N.2--

probably more familiar with the exact status of your case than the Commission and understand why you were not enrolled as a citizen when you made application September 22nd, 1898.

As to whether you should employ a lawyer or not, is a matter concerning which you will also have to use your own discretion.

The Commission cannot return to any applicants at this time any original papers which have been submitted for filing, and made a part of the records of the Commission.

Yours truly,

Acting Chairman.

7-D-30

Muskogee, Indian Territory, September 18, 1900.

Lula Nelson,

Lone Grove, Indian Territory.

Dear Madam:-

Since notifying you on August 18, 1900, of the protest filed by the Choctaw Nation to your enrollment as a citizen of the Choctaw Nation, the Commission has been furnished by the Nation with the grounds upon which objection is made to your enrollment. The protest against you is, that you have married out of the Nation.

The Commission is in possession of a sufficient statement upon which a decision may be rendered and in your case it will not be necessary for you to appear at the appointment at Atoka beginning December 3rd, 1900.

The Commission will accept and consider any written arguments on questions of law submitted on behalf of the Choctaw Nation at any time prior to February 1st, 1901, and on your behalf, at any time prior to March 1st, 1901.

As soon thereafter as practicable the Commission will consider and finally determine your right to enrollment and the decision of the Commission, stating fully its reasons for any action that may be taken, will be mailed to you.

Yours truly,

Acting Chairman.

7-D-30

Cherokee D 30.

Muskogee, Indian Territory, April 18, 1903.

G. W. Ridgeway,

Lone Grove, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of April 15, asking if Mrs. L. Nelson is entitled to enrollment and allotment, and in reply you are advised that it appears from our records that Lula Nelson has been listed among the doubtful claimants to enrollment as an intermarried citizen of the Cherokee nation, but her final right to such enrollment has not yet been determined. As soon as a decision is reached in this case the applicant will be notified of the action of the Commission.

Respectfully,

Chairman.

Choctaw D 80

Muskogee, Indian Territory, February 12, 1904.

Lula Nelson,

Lone Grove, Indian Territory.

Dear Madam:

You are hereby advised that under direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Choctaw and Chickasaw Nations dated January 23, 1904, no further action will be taken relative to your enrollment as an intermarried citizen of the Choctaw Nation until the Commission is further instructed by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

Choctaw D 30

Muskogee, Indian Territory, April 18, 1904.

Lula Nelson,

Lonegrove, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of April 8, asking the status of your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

In reply to your letter you are informed that the Commission will take up for consideration as early as practicable the matter of your application for enrollment as an intermarried citizen of the Choctaw Nation, and, as soon as a decision is reached in this case you will be notified of the action taken therein.

Respectfully,

Chairman.

7-D-30.

Muskogee, Indian Territory, August 15, 1904.

Lula Nelson,

Lone Grove, Indian Territory,

Dear Madam:

You are hereby notified that before further consideration can be given your application for enrollment as an intermarried citizen of the Choctaw Nation, it will be necessary for you to appear in person before the Commission to testify as to your intermarried status on September 25, 1902.

For this purpose you are requested to appear at Muskogee, Indian Territory, as soon as possible, or at the Land Office at Atoka, Indian Territory, on September the 6th or 7th, 1904, or at the Land Office at Tishomingo, Indian Territory, on September the 8th or 9th, 1904.

Respectfully,

Commissioner in Charge.

1830

Choctaw-D-30.

Muskogee, Indian Territory, September 29,1904.

Lula Nelson,

Lone Grove, Indian Territory.

Dear Madam:

There is enclosed herewith testimony given by you before the Commission at Tishomingo, Indian Territory on September 8, 1904. You are requested to appear before a notary public for the purpose of making oath as to the truth of said testimony. When you have sworn to said testimony, please return same to the Commission in the enclosed envelope, which requires no postage.

Respectfully,

Chairman.

Env.
DDD. 1-29.

Choc 5880 Charlotte Stephens

Trans from Choc D-82 Feb 1, 1905

5880

In the matter of the application for the enrollment of Charlotte Stephens as a citizen by intermarriage of the Choctaw Nation.

7-D-82.

Choctaw D-82.

Muskogee, Indian Territory, February 28, 1902.

Charlott Stephens,

Purdy, Indian Territory.

You are hereby notified that your application for enrollment as a citizen of the Choctaw Nation will be taken up by the Commission to the Five Civilized Tribes for final consideration at its office in Muskogee, Indian Territory, on the 3rd day of April, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting said application.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

The Commission to the Five Civilized Tribes.

T. B. Needles.

Register. Commissioner in Charge.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, April 3, 1902.

Charlotte Stephens	
vs.	D-82.
The Choctaw Nation.	

In the matter of the application of Charlotte Stephens for enrollment as a citizen by intermarriage of the Choctaw Nation.

On the 26th day of February, 1902, the applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were also notified by registered mail, that the application of Charlotte Stephens for enrollment as a citizen of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 3rd day of April, 1902, for final consideration.

Now on this 3rd day of April, 1902, this cause coming on to be heard, pursuant to said notice, the Choctaw Nation failed to appear, and the applicant, being called, failed to appear either in person or by attorney.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on the 3rd day of April, 1902, and that the above and foregoing is a full true and correct transcript of his stenographic noted in said cause on the said day of April, 1902.

Subscribed and sworn to before me this 4th day of April, 1902.

Notary Public.

7-D-62

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Chickasha, Indian Territory, October 17, 1902.

In the matter of the application for the enrollment of Charlotte Stephens as a citizen by intermarriage of the Choctaw Nation.

Said Charlotte Stephens, being first duly sworn, testified as follows:

Examination by the Commission.

Q What is your name? A Charlotte Stephens.
Q How old are you? A Thirty-two.
Q Your postoffice address? A Minnekah.
Q How long have you resided in the Chickasaw Nation? A About fifteen years.
Q Maintained a cintinuous residence here for fifteen years, have you? A Yes sir.
Q You are a white woman? A Yes sir.
Q Claim to be an intermarried citizen of the Choctaw Nation? A Yes sir.
Q What is the name of your Choctaw husband? A John Freeny.
Q Was you ever married before you married John Freeny? A No sir.
Q Was he ever married before he married you? A Yes sir.
Q To whom? A I don't know.
Q Did he have any living wife from whom he had not been divorced when you married him? A I don't know, but I don't think he did.
Q You never heard of any? A No sir.
Q When were you married to him? A In '90.
Q Where were you married? A Close by Purdy.
Q Were you married to him under a Chickasaw license? A No sir, a Choctaw.
Q Where did you obtain your license? A At Beef Creek.
Q How much did you pay for that license? A I think he paid $50.
Q Who married you? A R. M. Kanedy.
Q Is John Freeny living? A No sir.
Q When did he die? A Died in '99.
Q Did you live with him continuously up until his death? A Yes sir.
Q Have you remarried since his death? A Yes sir.
Q Who did you marry? A Dan Stephens.
Q Is he a white man? A Yes sir.
Q Had no Indian rights? A No sir.
Q Are you still living with him? A Yes sir.
Q Are you still an actual and bona fide resident of the Choctaw Nation? A Yes sir.

Ira B. Miles, being first duly sworn, stated that he is

to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Chickasha, Indian Territory, October 17, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in s aid proceedings on said date.

Subscribed and sworn to before me this the 24 day of October, 1902.

Notary Public.

Indian Territory,

Southern District,

R. M. Hancock of lawful age, having first been duly sworn on oath states that he performed the marriage ceremony between John Freeney, Son of Andrew Freeney deceased, and Charlotte Masoner, daughter of Thomas Masoner, deceased.

Affiant further states that he has been a minister of the Gospel for the pat 40 years, and that at the time he performed said marriage ceremony between said parties above mentioned, he was then a Minister of the Gospel and had a true and legal right to perform such ceremony according to the Indian Law.

In testimony whereof I havethereunto affixed my hand and seal on this the 23 day of June 1904.

R M Hancock

Subscribed and sworn to before me on this the 23 day of June 1904.

J W Ergen
Notary Public.

My commission expires on the 12 day of Oct 1904

Indian Territory,
Southern District.

Charlotte Stephens, of lawful age having been first duly sworn upon oathe states that she was lawfully united in the Bonds of Matrimony with one John Freeny, an Indian by Blood; that said ceremony was performed by R. M. Hancock, a duly recognized Minister of the Gospel; that she is unable to state whether John Freeney had even been married previous to his union with her.

In testimony whereof I have hereunto set my Hand on this the 25th, day of June,1904.

Charlotte Stephens

Subscribed and sworn to before me on this the 25th day of June,1904.

Notary Public.

My commission expires on the 29th day of March,1908.

Chickasaw Nation } Ruf Creek I.T.
County of Pickens } April 23d 1890

Mr John Freeny a Choctaw Indian and a Member of the Chickasaw Nation have this day ~~Presented~~ a Petition ~~Asking~~ for the full requirements of Law asking that a License be Granted to Mr John Freeny to Enter into Marriage with Miss Charlottie Masoner who is a United States Citizen

Therefore by virtue of authority Vested in Me I hereby Grant unto Mr John Freeny and Miss Charlottie Masoner License to Consummate said Marriage

given under My hand

W.H. Simpson
County & Probate Judge P.C.N.

April ~~the~~ 30 -- 1890

I do Hereby certify That on ~~the~~ 30 day of April I Joined ... in Holy Matrimony Mr John Freeny And Miss Charlottie Masoner

R. M. Hancock

Filed for Record this 18th day of February 1892
Filed for Record this 18th day of February 1892

Department of The Interior,

Commission to the Five Civalized Tribes.

In the matter of the enrollment of Charlotte Stephens, as a member of the Chocktaw Tribe of Indians by intermarriage.

Joseph Saddler, having first been duly sworn on oath states, that he is Forty Six years of age, a member of the Chickasaw Tribe of Indians by intermarriage, that he has resided in the Indian Territory, for Twenty Five or Thirty years, that he was well acquainted with John Freeney, during his lifetime, that he knew him from childhood until his death, that he lived in the same neighborhood with John Freeney.

Affiant further states that John Freeney was a member of the Chocktaw Tribe of Indians by blood and a son of Andrew Freeney, who was also a member of said Tribe.

Affiant further states that during the lifetime of John Freeney, the only woman he lived with as man and wife was Charlotte Freeney, now Charlotte Stephens, and that they lived together as man and wife until the death of John Freeney.

Affiant further states that the said Freeney previous to his marriage to Charlotte Masoner, had been seen with a woman of bad repute on a few occasions, but that the said Freeny did not live with said woman, did not hold her out as his wife, and that the people in the community where he lived did not so consider her, that they all looked upon her as a woman of bad character, and that the said Freeney, told him that said woman was not his wife that he had never been married to her, and that she was simply a loose woman in the country.

Affiant further states that to his best knowledge the said Freeney was never married prior to his marrage to Charlotte Masoner, and that he having lived so near the said Freeney and having known him so well he believes that if he has been married previous to the said marriage he would of had some knowledge of same.

Affiant states that he never held out to the publick and lived with any other woman as his wife other than the said Charlotte Freeney.

Joseph Saddler

Subscribed and sworn to before me on this the [illegible] of [illegible] 1904.

[illegible]

Notary Public.

7-D-82.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Charlotte Stephens as a citizen by intermarriage of the Choctaw Nation.

--: D E C I S I O N :--

It appears from the record herein that on April 30, 1890, the applicant, Charlotte Stephens (nee Masoner) was married in accordance with the laws, customs and usages of the Chickasaw Nation to John Freeney, a recognized and enrolled citizen by blood of the Choctaw Nation, who is identified upon the 1893 Choctaw Leased District Pay Roll, Blue County, page 40, No. 423; that at the time of said marriage both persons above mentioned were residents in good faith of the Choctaw-Chickasaw Country, and that they lived together continuously as husband and wife in said country from the date of said marriage until the death of the said John Freeney, in 1894; that thereafter the applicant was married to Dan Stephens a white man having no rights of Choctaw citizenship by blood; and that the applicant had been a resident in good faith of the Chickasaw Nation from the date of her said marriage to the said John Freeney up to and including September 25, 1902.

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of Thornton D. Pearce (I.T.D. 4060-1904), relative to the question of forfeiture, Charlotte Stephens should be enrolled as a citizen by intermarriage of the Choctaw Nation in accordance with the provisionsof the acts of Congress approved June 28, 1898 (30 Stat., 495) and July 1, 1902 (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Chairman.

Commissioner.

Muskogee, Indian Territory,

JAN 16 1905

Commissioner.

Choctaw D 82

Muskogee, Indian Territory, January 16, 1905.

Charlotte Stephens,
Winnekah, Indian Territory,

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered January 16, 1905, granting your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling you as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, your name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

Tams Bixby
Chairman.

Registered.
Incl. T-D-82.

COPY.

Choctaw D 88.

Muskogee, Indian Territory, January 16, 1906.

Bond & Melton,

Attorneys at Law,

Chickasha, Indian Territory,

Gentlemen:

You are hereby notified that the Commission to the Five Civilized Tribes, on January 16, 1906, rendered its decision granting the application for the enrollment of Charlotte Stephens as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, her name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED)

Tams Bixby

Chairman.

Registered.

Choctaw D 82.

COPY.

Muskogee, Indian Territory, January 16, 1905.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission rendered January 16, 1905, granting the application for the enrollment of Charlotte Stephens as a citizen by intermarriage of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, her name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

ENGHEM.

Tams Bixby
Chairman.

Registered.
Incl. 7-D-82.

See Choctaw 5563 for registry receipt for this letter.

Charlotte Stephens age 17

Ind Ore.

Married first to John Feeney

a Chinaman in 1891. He died
in 1894

~~Ran~~

Married to Dave Stephens a

white miner in 1896.

Marriage license and certificate to be supplied.

DSR.

(White card)

OK Butler

COMMISSIONERS:
HENRY C. DEVOE,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muscogee, Indian Territory,
August 18th, 1900.

Charlotte Stephens,

Purdy, Indian Territory,

Dear Madam:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs MaKennon, Mansfield, McMurray, & Cornish, has filed with this Commission A notice of protest to your enrollment as a citizen of the Choctaw Nation.

The Commission, commencing December 3rd, 1900, hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Tams Bixby.

Acting Chairman.

7)-D-82.

D. C. Ed. 517901902

Minnekah, I. T. 3/31/ 1902.

Commission to the Five Civilized Tribes

Muskogee, I. T.

I am in receipt of your communication of 26 last mo in regard to my enrollment I will say that I haven't received any notis from the representatives of the Choctaw Nation in regard to introduce evidence affecting my right.

Charlotte Stephens.

Choctaw D 88

Muskogee, Indian Territory, January 8, 1904.

Mrs. C. C. Stephens,
Minnekah, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of December 20, 1903, asking if your name has been approved yet or if it has been sent up to Washington for approval.

In reply to your letter you are advised that the Commission has not yet passed upon the application of Charlotte Stephens for enrollment as an intermarried citizen of the Choctaw Nation. As soon as a decision is reached she will be notified of the action taken therein.

It is presumed that you are the Charlotte Stephens referred to herein.

Respectfully,

Commissioner in Charge.

Choctaw 2-32.

Muskogee, Indian Territory, June 30, 1904.

D. H. Stephens,

Chickasha, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of June 25, with which you enclose affidavits of R. M. Hancock and Charlotte Stephens, in support of the application of Charlotte Stephens for enrollment as an intermarried citizen of the Choctaw Nation, and the same have been filed with the record in this case.

Respectfully,

Commissioner in Charge.

7-2-62.

Muskogee, Indian Territory, June 15, 1904.

Charlotte Stephens,

Nimrekah, Indian Territory.

Dear Madam:-

In the matter of your application for enrollment as a citizen by intermarriage of the Choctaw Nation it appears from the marriage license and certificate filed in this case that R. M. Hancock performed the marriage ceremony between you and John Freeney the Indian through whom you claim your rights, but it does not appear in what capacity the said R. M. Hancock acted in performing said marriage ceremony. Neither does it appear affirmatively whether or not said John Freeney had been married prior to his marriage to you.

It will be necessary for you to furnish the Commission with a sworn statement setting forth in what capacity the said R. M. Hancock acted in performing the marriage ceremony between you and said John Freeney and also whether or not said John Freeney was married prior to his marriage with you.

You should give this matter your immediate attention as until the evidence requested is furnished the Commission

cannot determine your rights as an intermarried citizen of the Choctaw Nation.

Respectfully,

Chairman.

W.O.B.

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BEALL,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Choctaw D-32.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, June 30, 1904.

D. H. Stephens,

Chickasha, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of June 25, with which you enclose affidavits of R. M. Hancock and Charlotte Stephens, in support of the application of Charlotte Stephens for enrollment as an intermarried citizen of the Choctaw Nation, and the same have been filed with the record in this case.

Respectfully,

Commissioner in Charge.

7-D-82.

Muskogee, Indian Territory, September 20, 1904.

Charlotte Stephens,

Ninnekah, Indian Territory.

Dear Madam:-

In the matter of your application for enrollment as a citizen by intermarriage of the Choctaw Nation it is essential that you furnish the Commission with evidence as to whether or not your former husband John Freeny, through whom you claim your rights, had ever been married previous to his marriage to you. If your said husband had a living wife at the time of his marriage to you, it will be necessary for you to furnish the Commission with evidence of his divorce from said wife.

You should give this matter your prompt attention as until this evidence is received the Commission cannot determine your rights as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

Chairman.

7-D-88

Muskogee, Indian Territory, October 15, 1904.

Charlotte Stephens,

Minnekah, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 9th instant, stating that you have been unable to find any one who could make affidavit as to whether or not your first husband John E. Freeny had ever been married prior to his marriage to you.

You are advised that it will be necessary that such evidence be submitted and it is important that the same be furnished at your earliest convenience.

Respectfully,

Commissioner in Charge.

Y-P-22.

Muskogee, Indian Territory November 22, 1904.

Charlotte Stephens,

Eufaula, Indian Territory.

Dear Madam:

In the matter of your application for enrollment as a citizen by intermarriage of the Choctaw Nation, on September 20, 1904, you were advised that it would be necessary for you to furnish the Commission with an affidavit setting forth whether or not your former husband, John Freeny, through whom you claim your rights had ever been married previous to his marriage to you.

Such evidence has not yet been filed with the Commission and you are again advised that until the same is furnished the Commission can not determine your right as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

Chairman.

7-D-38

Muskogee, Indian Territory, December 5, 1904.

Bond & Melton,

Attorneys at Law.

Chickasha, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of December 3, 1904, enclosing the affidavit of Joseph Saddler which you offer in support of the application of Charlotte Stephen for enrollment as an intermarried citizen of the Choctaw Nation, and the same has been filed with the records in this case.

Respectfully,

Chairman.

7-8880

Muskogee, Indian Territory, March 9, 1905.

Bond & Melton,

Attorneys at Law,

Chickasha, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of March 4, 1905, asking if Charlotte Stephens an applicant as an intermarried citizen of the Chickasaw Nation has been finally passed upon by the Secretary of the Interior.

In reply to your letter you are informed that Charlotte Stephens has been enrolled by the Commission as an intermarried citizen of the Choctaw Nation and her name has been placed upon a schedule of intermarried citizens of said Nation which has been forwarded the Secretary of the Interior for approval. The Commission has not yet been notified of Departmental action thereon.

Respectfully,

Chairman.

Choc 5881 Albert Davis

Trans from Choc DV7 Jun 25, 1965

1965

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Record in the mater of the application for the enrollment as a citizen by blood of the Choctaw Nation of-

ALBERT DAVIS (OR ALBERT ANDERSON)

7-D-171.

D 141

Commission to the Five Civilized Tribes,

Ardmore, Indian Territory.

In the matter of the enrollment of Albert Davis as a citizen by blood of the Choctaw Nation; Charles Morrison being sworn and examined by Commissioner Needles, testifies:

Q You know this Albert Davis to be a full-blood Indian?

A Yes sir

Q How long has he lived in the Territory

A He lived here until he was six years old and came over here and made a crop in the Territory on Horse Prairie two years ago I think. He has been living with me in Texas until in the last four or five years and he is still in Texas.

Q An orphan? A Yes sir, neither mother nor father.

Q He has made his home in Texas? A Yes sir ever since his father gave him to me.

Q Who is his mother? A I don't know; his mother was dead when his father gave him to me.

Q What was his father's name? A George Davis.

Q No way you can find his mother's name? A Not unless Dick knows hers.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as Stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

M. D. Green

Choctaw D-173.

Muskogee, Indian Territory, February 27, 1903.

Albert Davis,

Chisota, Texas.

You are hereby notified that your application for enrollment as a citizen of the Choctaw Nation will be taken up by the Commission to the Five Civilized Tribes for final consideration at its office in Muskogee, Indian Territory, on the 4th day of April, 1903.

On said date you may, if you desire, appear before the Commission in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting said application.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

The Commission to the Five Civilized Tribes.

T. B. Needles.

Recorder.

Department of the Interior.

Commission to the Five Civilized Tribes.

In the matter of the application of
Albert Davis for enrollment as a citizen of the Choctaw Nation. ---D 171---

On the 27th day of February, 1902, the applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were notified by registered mail, that the application of Albert Davis for enrollment as a citizen of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 4th day of April, 1902, for final consideration.

Now, on this 4th day of April, 1902, this cause coming on to be heard pursuant to said notice, the Choctaw Nation failed to appear and the applicant, being called failed to appear, either in person or by attorney.

Harry C Risteen, being first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 4th day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Harry C Risteen

Subscribed and sworn to before me this 8th day of April, 1902.

Clara M Caldwell
Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Antlers, Ind. Ter., December 2,1902.

Choctaw
D-171

In the matter of the application of Albert Davis for enrollment as a citizen by blood of the Choctaw Nation.

-------Additional Testimony-------

Albert Davis, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

Q What is your name? A Albert Davis.
Q How old are you? A About twenty eight.
Q What is your post office address? A Checotah.
Q Is that in Texas? A Yes sir.
Q How long have you lived in the state of Texas? A Ever since I was six years old.
Q You are living there at the present time, are you? A Yes sir.
Q Have you ever lived in Indian Territory since you were six years old? A No sir.
Q Whom do you live with over there? A Charley Morrison.
Q Is he a white man? A Yes sir.
Q How does it happen that you are living with Charley Morrison? A They gave me away when I was small.
Q You were adopted by this Charley Morrison? A Yes sir.
Q And he has raised you? A Yes sir.
Q Who is your father? A George Davis.
Q Was he an Indian? A Yes sir.
Q Choctaw Indian? A Yes sir.
Q What was the name of your mother? A I couldn't tell hardly, I was small.
Q Was she an Indian? A Yes sir.
Q Is your mother living or dead? A Living, I think.
Q Do you know where she is? A No sir.
Q Is your father living or dead? A He is dead.
Q You have always heard George Davis was your father? A Yes sir, that is what they told me.
Q Have you ever lived in the Territory for any length of time since you were taken over into Texas when you were six years old? A Never lived here until I got grown.
Q When did you come back to the Territory from Texas? A Three years ago.
Q That is the first time you had been back since you were taken over there as a child? A Yes sir.
Q How long did you stay here that time when you were here three years ago? A Just stayed short time.
Q How many months or how many years? A May be six months or twelve months.
Q Then did you go back into Texas after that? A Yes, I have worked over there around and come back.
Q Came back into the territory? A Yes sir.
Q What is your home at the present time, your actual home, Texas or Indian Territory? A Over there just the same as here, just change from one place to another.

Q How long have you been here in the Indian Territory at this time? A Some time.
Q How many months? A I have been here ten months.
Q You have been here continuously for the past ten months?
A Yes sir.
Q Are you working here in the territory? A Yes sir.
Q Where do you live? A I work down here close to Grant.
Q Were you living here four years ago, here in the territory?
A No, I was not living here, I would come in here and stay a while and go out.
Q How long have you been going back and forth between the territory and Texas---how many years? A About three years, I was up at Tuskahoma and drew money, that is when I came in here.
Q Did you draw money at that time? A Yes sir.
Q From the tribe? A Yes sir.
Q How much money did you get? A One hundred and three dollars
Q You came in at that time? A Yes sir.
Q That was a long time ago? A Yes sir.
Q How long did you stay at that time? A Stayed about a week up there.
Q Then where did you go? A Then came back.
Q Back where? A To Texas.
Q How long after that was it when you came into the territory again? A It was not very long after that I came back.
Q Since that time that you drew money have you been back and forth from Texas into the Territory? A Yes sir.
Q Lived part of the time in one place and part of the time in another? A Yes sir.
Q Are you sure your father was George Davis, or is that simply what you have been told? A That is what I have been told.
Q You don't remember him? A No sir.
(Applicant E xcused).

Gilbert Choate, called as a witness, having been first duly sworn, upon his oath testifies as follows, through Peter Maytubby, duly sworn Choctaw Interpreter:

Examination by the Commission:

Q What is your name? A Gilbert Choate.
Q How old are you? A Forty eight.
Q What is your post office address? A Doaksville.
Q Are you a Choctaw Indian by blood? A Yes.
Q Are you a full blood Choctaw? A Yes sir.
Q Do you know this applicant who goes by the name of Albert Davis? A Yes sir.
Q Are you any kin to this boy? A He is my son.
Q What was the name of the mother of that boy? A Elsie, she came from another county and I don't know her other name.
Q Was Elsie a full blood Choctaw? A Yes sir.
Q Is she living at present? A Yes sir, she is living.
Q Do you know what name she has at the present time? A Elsie A-ha-yo-tubbee.
Q What did you and Elsie do with this child? A The boy's uncle, George Davis, took the child.
Q Do you know what George Davis did with the child? A Yes sir
Q What did he do with him? A He sent him over into Texas to a white man.

Q Have you seen the boy from the time he gave him away up to the present time? A No sir.
Q Do you know whether Albert Davis has been back into the Territory since he was given away by George Davis? A I think he used to come into the territory at times.

-----oOo-----

Harry C Risteen, being first duly sworn, upon his oath states That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 2nd day of December, 1902, and that the Above and foregoing is a full, true and complete transcript of his stenographic notes of said proceedings on said date.

Harry C Risteen

Subscribed and sworn to before me this 16 day of December, 1902.

P. C. Bolger

Notary Public.

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes.

In the matter of the Enrollment of Albert Anderson, Citizen by Blood of the Choctaw Nation, Indian Territory.

Albert Anderson being first duly sworn deposes and says that he is a citizen by blood of the Choctaw Nation, Indian Territory, that he is about 50 years old, as he believes, that he was left an orphan at the early ageof one year or thereabouts.

That his father and mother were Choctaw citizens by blood residing in the Indian Territory, Kiamichi county.

He further says that Davis Homer drew the leased district money in 1895 under the name of Athbert Davis, at Tuskahoma, Indian Territory,

Affiant further states that Peter Maytubby of Tishomingo, Indian Territory, Jim Usry of Hugo, Indian Territory, Wiley Homer, Grant,Indian Territory, and Davis Homer, of Tuskahoma,Indian Territory, are witnesses that your affiant is a citizen by blood ofthe Choctaw Nation, Indian Territory, and entitled toenrollment as such,

Wherefore, Albert Anderson prays that his name be placed on the roll as a citizen by blood of the Choctaw Nation, Indian Territory, and that he be permitted to take an allotment for himself and for such other and further relief as justice may require.

INDIAN TERRITORY, }
CENTRAL DISTRICT. }

Albert Anderson
By J M Humphreys his Attorney

Albert Anderson says that he has read to him the foregoing petition, that the same was explained to him, that he understands the same, that the facts therein contained are true, as he stands ready to prove. His mark

Albert + Anderson
mark

Subscribed in my presence and sworn to before me this 16th day of February, 1904.

E A Newman
Notary Public.

V

7-D-171.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Albert Davis as a citizen by blood of the Choctaw Nation.

-: D E C I S I O N :-

It appears from the census card record in this case that on May 18, 1899, the applicant, Albert Davis (sometimes known as Albert Anderson), appeared before the Commission and made personal application for enrollment as a citizen by blood of the Choctaw Nation. Further proceedings were had in this case at Antlers, Indian Territory, on December 2, 1902.

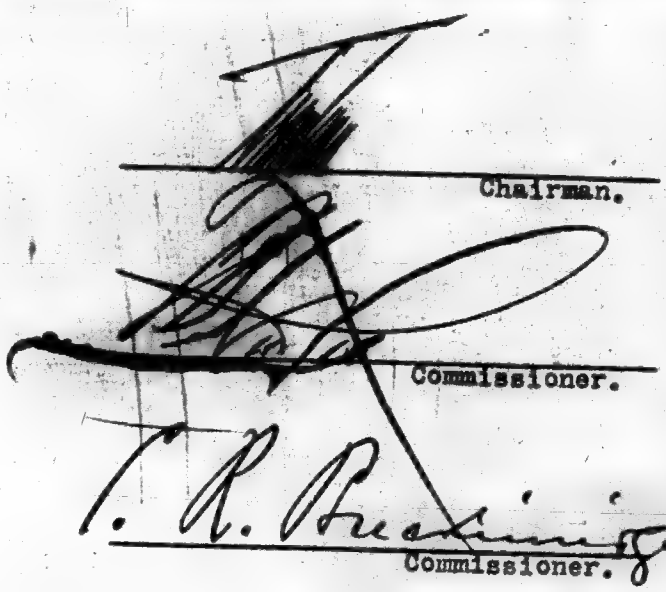
It appears from the record herein that the applicant is a son of one Gilbert Choate and one Elsie (surname not given) both of whom are full blood Choctaw Indians; that the applicant is about thirty years old, that he was born and raised in the Choctaw Nation until he was about six years old, when he was taken by his uncle, George Davis, to the state of Texas and given to Charles Morrison, a white man, who was a resident of that state; that the applicant resided in the state of Texas with the said Charles Morrison until about 1893 when he returned to the Choctaw Nation, since which time up to and including September 25, 1902, the applicant has alternately resided in Indian Territory and Texas, having had at no time a fixed domicile; and that he has always been recognized and enrolled as a citizen by blood of the Choctaw Nation by the tribal authorities of said nation.

It appears from an examination of the tribal rolls in the possession of the Commission that the applicant is identified upon the 1893 Choctaw Leased District Payment Roll, Kiamitia County, page 124, number 6, and also upon the 1896 Choctaw Census Roll, Kiamitia County, number 3460, enrolled on said rolls as a citizen by blood of said nation.

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of Joseph D. Yeargin, et al., (I.T.D. 2900-1903), Albert Davis should be enrolled as a citizen by blood of the Choctaw Nation, in accordance with the provisions of the acts of Congress ap-

proved June 28, 1898 (30 Stat., 495), and July 1, 1902 (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
[illegible]

Choctaw D-171.

COPY.

Muskogee, Indian Territory, January 12, 1905.

Albert Davis,

Care of National Real Estate Company,

Hugo, Indian Territory.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered January 12,1905, granting your application for enrollment as a citizen by blood of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of the decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling you as a citizen of the Choctaw Nation. If at the expiration of that time, no protest has been filed, your name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED)

Tams Bixby

Chairman.

Registered.

Encl. 7-D-171.

Choctaw D-171.

COPY.

Muskogee, Indian Territory, January 12, 1905.

E. A. Newman,

Atoka, Indian Territory.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes on January 12, 1905, rendered its decision granting the application of Albert Davis for enrollment as a citizen by blood of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date hereof within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If at the expiration of said time no protest has been filed, his name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Tams Bixby

Chairman.

Registered.

Choctaw D-171.

COPY.

Muskogee, Indian Territory, January 12, 1905.

J. M. Humphreys,
Attorney at Law,
Atoka, Indian Territory.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes on January 12, 1905, rendered its decision granting the application of Albert Davis for enrollment as a citizen by blood of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date hereof within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If at the expiration of said time no protest has been filed, his name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

Tams Bixby

Chairman.

Registered.

Choctaw D-171.

COPY.

Muskogee, Indian Territory, January 12, 1905.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of this Commission rendered January 12, 1905, granting the application of Albert Davis for enrollment as a citizen by blood of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If at the expiration of said time no protest has been filed, his name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

James Bixby

Chairman.

Registered.

Encl. TD-171.

See Choctaw D-300 for registery receipt for this letter.

G. A. REYNOLDS,

—DEALER IN—

General Merchandise.

Leaton, Ind. Ter., _____ 190__

This agreement in duplicate made and entered into this 16th day of February, 1904, by and between Albert Anderson, of Spiro, Indian Territory, party of the first part, and J. M. Humphreys, of Atoka, Indian Territory, party of the second part. Witnesseth: The party of the first part has this day employed the party of the second part as his attorney to represent him in his claim for citizenship before the Commission to the Five Civilized Tribes, and to do and perform all things necessary tending towards having his name placed on the rolls as a citizen by blood of the Choctaw Nation, Indian Territory, and in consideration of such services as said attorney, the party of the first part agrees to pay the party of the second part the sum of $20, one year from date of contract. The party of the second part agrees that for and in consideration of the sum of $5-20, by the party of the first part to the party of the second part one year from the date of this contract, to do all things necessary tending towards placing the name of Albert Anderson on the rolls as a citizen by blood of the Choctaw Nation, Indian Territory, Party of the second part agrees that he will be diligent in prosecuting said claim; that he will take all necessary appeals until a final determination of the claim of the party of the first part; In witness whereof we have hereunto set our hands this 16th day of February, 1904 (over)

-7-D-171- (Copy)

Commission to the Five Civilized Tribes,

Antlers, Indian Territory.

In the matter of the enrollment of Albert Davis as a citizen by blood of the Choctaw Nation; Charles Morrison, being sworn and examined by Commissioner Needles, testifies:

Q You know this Albert Davis to be a full-blood Indian? A Yes sir.
Q How long has he lived in the Territory? A He lived here until he was six years old and came over here and made a crop in the Territory on Moses Prairie two years ago, I think. He has been living with me in Texas until in the last four or five years and he is still in Texas.
Q An orphan? A Yes, sir; neither mother nor father.
Q He has made his home in Texas? A Yes, sir, ever since his father gave him to me.
Q Who is his mother? A I don't know; his mother was dead when his father gave him to me.
Q What was his father's name? A George Davis.
Q No way you can find his mother's name? A Not unless Dick Locke knows.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

Signed: M. D. GRAY.

COMMISSIONERS:
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muscogee, Indian Territory,

August 18th, 1900.

Albert Davis,

Checotah, Texas ,

Dear Sir:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs McKennon, Mansfield, McMurray, & Cornish, has filed with this Commission a notice of protest to your enrollment as a citizenof the Choctaw Nation.

The Commission, commencing December 3rd, 1900, hold a session at Ateka, Indian Territory. At that time both you and the Choctaw Natio will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Tams Bixby.

Acting Chairman.

B

TmD-171.

7-B-171

Muskogee, Indian Territory, February 19, 1904.

Albert Andersen,
C/o J. M. Humphreys, Atty.,
Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your affidavit stating that you are a citizen by blood of the Choctaw Nation and now about 30 years of age; that you drew the leased district money in 1893 under the name of Athbert Davis, at Tushkahoma, Indian Territory, and you request that your name be placed upon the roll as a citizen by blood of the Choctaw Nation.

From the statements made in your affidavit it is believed that you are listed as a doubtful claimant for enrollment as a citizen by blood of the Choctaw Nation under the name of Albert Davis, but the Commission has not yet rendered a decision in your case.

As soon as a decision is reached in the matter, you will be duly advised of the action taken thereon.

The affidavit forwarded by you has been duly filed with the records ofthe Commission in the matter of your application for enrollment as a citizen by blood of the Choctaw Nation.

Respectfully,

Commissioner in Charge.

Choctaw D 171

Muskogee, Indian Territory, May 2, 1904.

J. M. Humphreys,
Attorney at Law,
Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of April 23, asking the status of the claim of Albert Anderso n, who may be enrolled as Albert Davis.

In reply to your letter you are advised that the Commission has not passed upon the application of Albert Davis for enrollment as a citizen by blood of the Choctaw Nation.

Respectfully,

Chairman.

Choctaw-D-171.

Muskogee, Indian Territory, July 9, 1904.

W. Clarke House,

Lenton, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of July 2nd, enclosing copy of a contract between Albert Anderson, whom you say has also been known as Albert Davis, and J. M. Humphreys and asking to be informed if the contract referred to is valid. The contract referred to provides for and in consideration of the sum of $520.00 to him paid, J. M. Humphreys agrees to do all things necessary for the placing of the name of Albert Anderson as a citizen by blood of the Choctaw Nation.

In reply to your letter, you are informed that it appears from our records that Albert Davis, a full blood Choctaw Indian made application to the Commission for enrollment in the Choctaw Nation on May 18, 1899. His final right to such enrollment has not as yet, however, been determined. If further evidence is necessary to enable the Commission to determine the right of this applicant to enrollment as a citizen of the Choctaw Nation, he will be notified.

W.C.R.--2.

The copy of the contract enclosed with your communication is herewith returned and you are informed that the Commission has no jurisdiction over matters of this character. Your attention, however, is invited to the following provision of the act of Congress approved July 1, 1902, which was ratified by the Choctaw and Chickasaw Nations on September 25, 1902:

> Sec. 16.--"Lands allotted to members and freedmen shall not be affected or encumbered by any deed, debt, or obligation of any character contracted prior to the time at which said land may be alienated under this Act, nor shall said lands be sold except as herein provided."

Respectfully,

Commissioner in Charge.

DDD.1--9.

Choctaw D 171

Muskogee, Indian Territory, August 17, 1904.

G. W. Dodd,

Grant, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of August 12, in which you ask if Albert Anderson, who appears on the 1896 roll and the leased district payment roll as Albert Davis, is on the roll.

In reply to your letter you are advised that the Commission has not yet passed upon the application of Albert Davis, formerly of Checotah, Texas, son of George Davis, deceased, for enrollment as a citizen by blood of the Choctaw Nation.

Respectfully,

Commissioner in Charge.

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BEALL,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

7-B-171.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory August 17, 1904.

Albert Davis (or Anderson)

Dennis, Indian Territory.

Dear Sir:

In the matter of your application for enrollment as a citizen by blood of the Cherokee Nation you are advised that it will be necessary for you to appear in person before the Commission there to testify as to your right to enrollment as such citizen. Such appearance may be made at Muskogee, Indian Territory, as soon as possible, or at Atoka, Indian Territory, on September 6th or 7th 1904, or at Tishomingo, Indian Territory on September 8th or 9th 1904.

Respectfully,

Commissioner in Charge.

7-D-171

Muskogee, Indian Territory, October 15, 1904.

National Real Estate Company,

Hugo, Indian Territory.

Gentlemen:-

Receipt is hereby acknowledged of your letter of the 6th instant, which you state was in the interest of one Albert Davis, a full blood Choctaw Indian, who recently appeared before the land office for the purpose of selecting his allotment, but was unable to do so for the reason that he gave his name as Albert Anderson, and you state the facts to be as follows, that he is a full blood Choctaw and has drawn money a few times under the name of Albert Davis, that when about five years of age his father gave him to one Charles Morrison who had him enrolled as Charles Davis, and he has drawn money under that name.

You are advised that the information contained in your letter has enabled the Commission to identify the person concerning whom your inquiry is made as Albert Davis, an applicant for enrollment as a citizen by blood of the Choctaw Nation. His application for enrollment, however, has not yet been passed upon by the Commission. As soon as a decision is reached in his case due notice of the same will be forwarded to him at Checotah, Texas, unless further advised.

Respectfully,

7-D-171

Muskogee, Indian Territory, October 24, 1904.

National Real Estate Company,

Hugo, Indian Territory.

Gentlemen:-

Receipt is hereby acknowledged of your letter of the 18th instant, requesting that all mail addressed to Albert Davis, Hugo, Indian Territory, be sent in card of National Real Estate Company in accordance with the request of said Albert Davis.

You are advised that the matter will receive proper attention.

Respectfully,

Chairman.

7

Y-D-173

Muskogee, Indian Territory, December 15, 1904.

E. A. Newman,

Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of October 10, 1904, in which you ask the status of Albert Anderson or Albert Davis, who is an applicant for enrollment as a citizen by blood of the Choctaw Nation.

In reply to your letter you are informed that the Commission is now considering the application of Albert Davis for enrollment as a citizen by blood of the Choctaw Nation. As soon as a decision is reached in this case you will be notified of the action taken therein.

Respectfully,

Chairman.

Cherokee 3 171

Muskogee, Indian Territory, December 26, 1904.

National Real Estate Company,
Hugo, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of December 20, asking that Albert Davis be advised if any action has been taken in regard to his enrollment. You also state that if further evidence is desired you can secure the same as the man who raised Albert Davis is now there.

In reply to your letter you are advised that the Commission is now considering the application of Albert Davis for enrollment as a citizen by blood of the Cherokee Nation. When a decision is reached he will be notified of the action taken.

Respectfully,

Chairman.

9-D-171

Muskogee, Indian Territory, February 15, 1905.

Muldrow & Godwin,

Tishomingo, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of February 11, 1905, in which you ask what is delaying the case of General J. Waitman as an intermarried citizen of the Chickasaw Nation.

In reply to your letter you are advised that the Commission is taking up for consideration and determination as rapidly as practicable all applications for enrollment in the Choctaw and Chickasaw Nations and is now considering the application of General J. Waitman for enrollment as an intermarried citizen of the Chickasaw Nation. It is believed that a decision will be reached within the near future and the applicant will be advised of the action taken.

Respectfully,

Chairman.

Choc 5882

minnie woods

Trans from choc D-183 JAN 28, 1905

5882

0187

Department of the Interior,
Commission to the Five Civilized Tribes.

Commission to the Five Civilized Tribes,
Tahlina, Indian Territory.

In the matter of the enrollment of Minnie Woods as a Choctaw by blood. William James being sworn and examined by Commissioner McKennon testifies as follows:

Q Your name is William James and you are about twenty-six years old? A Yes sir.

Q You are now the husband of Winnie James? A Yes sir.

Q Had she been married before you married her? A Yes sir.

Q To whom? A First she married a white man, I don't know who it was

Q Who was it the next time she married? A Steve Woods.

Q Was he a Choctaw? A Yes sir.

Q Recognized citizen? A Yes sir.

Q How long ago since she married Steve Woods? A I couldn't tell you how long that has been.

Q About how long? A I don't know exactly how long, about the time she married I was a little boy yet.

Q Minnie her daughter , is about six years old now; was Minnie born before or since she married Woods? A Says these children were born since she was married to Steve, and after that this child was an illegitimate child and was born after the death of Steve

Q Then Minnie wasn't the child of Steve Woods? A No sir.

Q What was Minnie's father's name? A William Woods.

Q Was he a brother of Steve? A No sir, he was a son of Steve.

Q And she had this child Minnie, by William Woods after Steven Woods died? A Yes sir.

Q Who is the father of Henry Woods? A Steve Woods.

Q Was William Woods a Choctaw citizen? A Yes sir.

Choctaw D-183

Muskogee, Indian Territory, February 27, 1902

Minnie Woods,

Lenox, Indian Territory,

You are hereby notified that the application for enrollment of yourself as a citizen of the Choctaw Nation will be taken up by the Commission to the Five Civilized Tribes for final consideration at its office in Muskogee, Indian Territory, on the 5th day of April, 1902.

On said date, you may, if you desire, appear before the Commission in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting said application.

You are further notified that the Representatives of the Choctaw Nation will also at the same time be afforded an opportunity to introduce testimony affecting your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

The Commission to the Five Civilized Tribes.

T. B. Needles.

Register. Commissioner in Charge

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, April 5, 1902.

Minnie Woods,		
vs.		D-183.
The Choctaw Nation.		

In the matter of the application of Minnie Woods for enrollment as a citizen by blood of the Choctaw Nation.

On the 27th day of February, 1902, the applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were also notified by registered mail that the application of Minnie Woods for enrollment as a citizen by blood of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 5th day of April, 1902, for final consideration.

Now on this 5th day of April, 1902, this cause coming on to be heard pursuant to said notice, the Choctaw Nation appears by its attorneys, Mansfield, McMurray & Cornish, and the applicants being called, failed to appear, and the case is submitted upon the evidence and record as now made up.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on the 5th day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of April, 1902.

Subscribed and sworn to before me this 7th day of April, 1902.

Notary Public.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES
Muskogee, Indian Territory April 8, 1904.

7-D-183.

In the matter of the application for enrollment of Minnie Woods as a citizen by blood of the Choctaw Nation.

Winnie James being first duly sworn testifies as follows:

Examination by the Commission:

Q Your name is Winnie James? A Yes, sir.
Q Your post office address is Talihina? A Yes, sir.
Q Do you know Minnie Woods? A Yes, sir.
Q What relation is she to you? A My child.
Q When was that child born? A She will be fifteen years old in December.
Q She was born December 1889 then - where is that child living? A She is at home.
Q With whom? A With me.
Q Always lived with you? A Yes, sir.
Q Ever lived with any one else? A No, sir.
Q Who was the fatherof that child? A William Woods.
Q Who was William Woods? A Stephen Wood's son.
Q Was Stephen Woods dead at this time? A Yes, sir.
Q You were never married to William Woods were you? A No, sir.
Q Did you and William Woods live together as husband and wife? A Yes, sir.
Q For how long? A Five or six months and he died.
Q Was this child born after William Woods died? A Yes, sir.
Q How long after he died? A About three months I guess.
Q Were you and William Woods considered by the community as husband and wife? A No, sir.
Q Did you make your home with William Woods or did he make his home with you? A He made his home with me.
Q What had become of the other children? A They was at home.
Q All lived together? A Yes, sir.

Witness excused.

William James being first duly sworn testifies as follows:

Examination by the Commission:

Q You heard the statement that Winnie James has made with respect to Miss Minnie Woods have you? A Yes, sir.
Q Do you know this child Minnie Woods? A Yes, sir.
Q She is living with you? A Yes, sir.
Q What do you know about the fatherof this child? A I don't know anything about him much, I know he was a Choctaw.
Q Do you know he lived with this woman? A No, sir, I couldn't swear that.
Q Is William Woods supposed to be the father of that child? A That is what she stated.
Q Do people around there believe it? A Yes, sir.

Witness excused.

Winnie James recalled testifies as follows:

Examination by the Commission:

Q Did you ever live with any other man during ~~xxxx~~ this time? A No, sir, I never have.

7-D-183-2.

Q Have you ever lived with any other man than Stephen Woods, William Woods and William James? A No, sir.

Witness excused.

----o----

Chas. T. Difendafer being first duly sworn states that the above and foregoing is a full, true and correct transcript of his stenographic notestaken in said cause on said date.

Chas. T. Difendafer

Subscribed and sworn to before me this 21st day of April, 1904.

Charles A. Jacoyet
Notary Public.

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Minnie Woods as a citizen by blood of the Choctaw Nation, Choctaw Field No. D-183.

- - - - - - -

We hereby request, on behalf of the Choctaw and Chickasaw Nations, that final decision in this case be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of Malsie Butler, et al., vs. Choctaw and Chickasaw Nations, No. 121 on the South McAlester Docket, in which the said court will decide thequestionof whether the illegitimate child of a citizen father will take the status of the father or mother, which question is involved in the case to which this communication refers.

This request is filed under authority granted by the Honorable Secretary of the Interior in his communication to the Commission to the Five Civilized Tribes upon the subject, dated November 18, 1903.

Attorneys for the Choctaw & Chickasaw Nations.

January 23, 1904.

Choctaw D-183

In the matter of the enrollment of Minnie Woods as a citizen by blood of the Choctaw Nation.

PROTEST of
Choctaw and Chickasaw Attorneys

Protest overruled by Department.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
FEB 6 1901

W.F.
Ord
7-D-183.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Minnie Woods as a citizen by blood of the Choctaw Nation.

--: D E C I S I O N :--

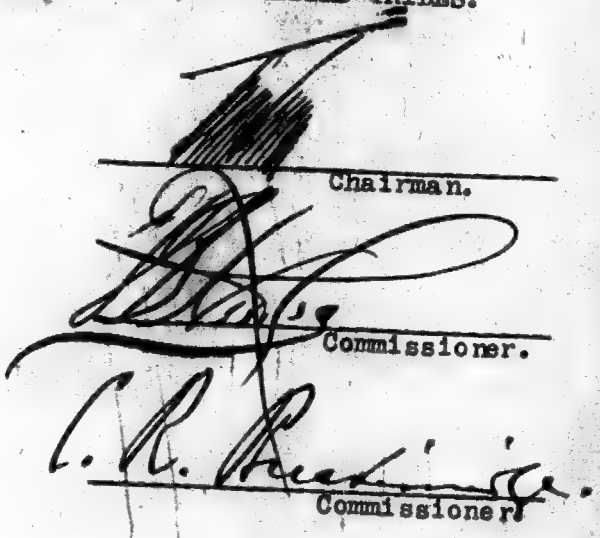
It appears from the census card record in this case that on May 29, 1899 application was made to this Commission for the enrollment of Minnie Woods as a citizen by blood of the Choctaw Nation. Further proceedings were had in this case at Muskogee, Indian Territory on April 5, 1902 and April 8, 1904.

It appears from the record herein and an examination of the tribal rolls in the possession of the Commission that the applicant, Minnie Woods, was born about December, 1889; that she is the illegitimate child of William Woods, a recognized citizen by blood of the Choctaw Nation, now deceased, and Winnie Woods, a white woman having no rights of Choctaw citizenship by blood and that she is identified upon the 1893 Choctaw Leased District Payment Roll, Wade County, page 36, number 300 and also upon the 1896 Choctaw Census Roll, Wade County, number 13072, enrolled on said rolls as a citizen by blood of said nation.

It further appears that the applicant was a resident in good faith of Indian Territory on June 28, 1898, all applicants listed upon census cards in 1899 having been first examined as to such fact although their testimony was not reduced to writing.

It is, therefore, the opinion of this Commission that Minnie Woods should be enrolled as a citizen by blood of the Choctaw Nation in accordance with the provisions of the acts of Congress approved June 28, 1898 (30 Stat., 495) and July 1, 1902 (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

JAN 12 1905

Choctaw D-183.

COPY.

Muskogee, Indian Territory, January 12, 1905.

Minnie James,

Talihina, Indian Territory.

Dear Madam:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered January 12,1905, granting the application for the enrollment of your minor child Minnie Woods as a citizen by blood of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of the decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling her as a citizen of the Choctaw Nation. If at the expiration of that time, no protest has been filed, her name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Tams Bixby

Chairman.

Registered,
Encl. C-D-183.

Choctaw D-183.

COPY.

Muskogee, Indian Territory, January 18, 1905.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of this Commission rendered January 18, 1905, granting the application of Minnie Woods for enrollment as a citizen by blood of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If at the expiration of said time no protest has been filed, her name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,
COMMISSION.

Tams Bixby

Chairman.

Registered.
Encl. 7-D-183.

See Choctaw D-800 for registery receipt for this letter.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

JAN 6 1903

ACTING CHAIRMAN.

D. THOMAS & COMPANY,

SUCCESSORS TO THOMAS BROTHERS.

DEALERS IN EVERYTHING.

TALIHINA, I. T. _____ 190__

State of Indian Ty.
County of Pushmataha } ss

Be it Known that on this day personally appeared before me Minnie Woods, now Minnie Woods who after being duly sworn states as follows I am mother of Minnie Woods she is twelve years old the 2nd day of December 1902 her father was William Woods, deceased, said Minnie Woods is a citizen by blood of the Choctaw Nation

Witness Mark
G. W. Dukes
D. Thomas

Minnie her x Woods mark

Subscribed & Sworn to before me this 19th day of December 1902

Sam J. Robert Jr.
Notary Public

Deputy. Petition granted this
7th day of Jan 1901.
H. D. Anderson
County Judge of Wade county C. N.

Attest
Dan Bryant
County Clerk of Wade county.
Recorded this the 7th day of Jan. 1901

Chickasaw Nation County of Wade 3 Oct. 16th 1900
To Hon. H. D. Anderson County and
probate Judge of Wade County. Comes
the undersigned petitioner would most
respectfully represent unto your honor
that He is a citizen of the Chickasaw Nation
and resident of Wade county. And your
petitioner will show unto your honor
that there is one Girl illegitimate Child
in my family by the Name of Minnie
Woods which your petitioner desires to
adopt as his own lawful as his own
legal children and to share in all
the properties goods & farms etc
belonging to the undersigned petitioner
and your petitioner further shows unto
your honorable court that said child is
under his care at the present and your petitioner
further ask your honor to allow your
petitioner to adopt said Minnie Woods as
his and to be known and called Minnie
Whereby bound your petitioner will ever pray
Signed James Petitioner sworn to and
subscribed this Oct 16th A.D. 1900 H. D. Anderson
County C. N. filed in
[illegible] days after

C. N.

entered this the 7th day of
an 1901
W. L. Anderson
Judge Ward County
C. N.

Attest
Dan Bryant Clerk Ward
County

recorded this the 1st day of
Jan. 1901

Muscogee, Indian Territory,

August, 18th, 1900.

Minnie Woods,

Lenox, Indian Territory,

Dear Miss:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs Jefferson; Mayfield, McMurray, & Cornish, has filed with this Commission a notice of protest to your enrollment as a citizen of the Choctaw Nation.

The Commission, commencing December 3rd, 1900, hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony in this case and this hearing will be final.

Yours truly,

Acting Chairman.

7-D- 183.

Choctaw D 183

Muskogee, Indian Territory, February 12, 1904.

Minnie Woods,

Lenox, Indian Territory.

Dear Madam:

You are hereby advised that under direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Choctaw and Chickasaw Nations dated January 23, 1904, no further action will be taken relative to your enrollment as a citizen by blood of the Choctaw Nation until the Commission is further instructed by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

Choctaw D 183

Muskogee, Indian Territory, June 25, 1904.

E. P. Pitchlynn,

Talihina, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of June 4, referring to the name of Minnie Wood upon the approved Choctaw roll and stating that this child's name is [redacted]nie Woods, daughter of Winnie James.

In reply to your letter you are advised that it appears from our records that Minnie Woods, daughter of William Woods and [redacted]innie Woods, now Winnie James. The Commission has not, however, passed upon her application for enrollment as a citizen by blood of the Choctaw Nation and her name does not, therefore, appear upon the approved roll of citizens by blood of the Choctaw Nation.

Respectfully,

Commissioner in Charge.

Chestaw D 183

Muskogee, Indian Territory, November 30, 1904.

Minnie Woods,

Care Levi J. Billy,

Talihina, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of November 26, relative to your enrollment as a citizen by blood of the Chestaw Nation.

In reply to your letter you are advised that the Commission is now considering your application for enrollment as a citizen by blood of the Chestaw nation and as soon as a decision is reached you will be notified of the action taken therein.

Respectfully,

Commissioner in Charge.

Choc 5883 Leamon Welch

Trans from Choc D-215 Jan 30, 1905

5883

7-D-215.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Record in the matter of the application for the enrollment as a citizen by intermarriage of the Choctaw Nation of:

LEAMON WELCH.

D. 218

Commission to the Five Civilized Tribes,

Vinita, Indian Territory.

In the enrollment of Lemmon Welch as intermarried Choctaw.

William A. Welch, Jr. being sworn and examined by Com. McKennon, testifies

Q What is your name? A William A. Welch, Jr.

Q What is your age? A Nearly thirty-three.

Q You are now the husband of Mrs. Lemmon Welch? A Yes sir.

Q She was formerly the widow of Edward E. Walker? A Yes sir.

Q Was he a Choctaw Indian? A Yes sir.

Q Did she live with him until his death? A Yes sir.

Q She is a white woman is she? A Well I think they claim Indian blood, but she was never admitted as a citizen by blood; she was a citizen of the United States when she married him.

Q Since his death she has intermarried with you? A Yes sir

Q And you are a white man and citizen of the United States are you? A Yes sir.

Q When did you marry her? A 11th of September, 1898.

Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

M. D. Green

Department of the Interior.
Commission to the Five Civilized Tribes.
Wister, I.T. Dec 18 1902

Choctaw D 215.
Intermarried.

In the matter of the application of Leamon Welch for enrollment as an intermarried citizen of the Choctaw Nation.

--Represented by John London, Attorney, Poteau, I.T.---

Leamon Welch, having been first duly sworn, upon her oath testifies as follows:

Examination by the Commission:

Q What is your name? A Leamon Welch.
Q How old are you? A Twenty five.
Q What is your post office address? A Poteau, Indian Territory.
Q How long have you been a resident of the Choctaw Nation? A Nine years.
Q Have you lived here continuously for the past nine years? A Yes sir.
Q Never made your home anywhere else during that time? A No sir.
Q Do you claim intermarried rights in the Choctaw Nation? A Yes sir
Q What is the name of your Choctaw husband through whom you claim these rights? A Ed Walker.
Q Was he a recognized and enrolled citizen of the Choctaw Nation? A Yes sir.
Q Were his rights as such ever disputed? A No sir.
Q When were you married to Ed Walker? A In 1895.
Q Where was the marriage ceremony performed? A At Poteau.
Q At that time were you and your husband residents of the Choctaw Nation? A Yes sir.
Q Who performed the marriage ceremony? A J. D. Austin.
Q A minister of the gospel? A Yes sir.
Q Were you married under a license? A No sir.
Q Were you ever married previous to your marriage to Ed Walker? A No sir.
Q Was he ever married before his marriage to you? A No sir.
Q After that marriage how long did you live together continuously as husband and wife? A Fourteen months.
Q What happened at the end of that time? A He died.
Q Was there no separation before his death between you two? A No sir.
Q After his death did you remarry? A Yes sir.
Q What was the name of your second husband? A William Welch.
Q Is he a white man? A Yes sir.
Q Does he make any claim to enrollment as a member of any Indian Tribe? A No sir.
Q When were you married to him? A In 1898.
Q Where was the marriage ceremony performed? A At Poteau.
Q Under what law were you married to William Welch? A Choctaw law.
Q Did you obtain a tribal license? A Yes sir.
Q Where did you get that license? A Cameron.
Q From whom didhe get it? A He got it at LeFlore, I was mistaken in the place.
Q From whom? A The county clerk of Sugar Loaf County.
Q Was William Welch ever married before his marriage to you? A Yes sir.
Q How many times? A Once.
Q What was the name of his former wife? A Dennis.
Q Was she dead at the time of his marriage to you? A Yes sir.
Q Are you still living with William Welch as his wife? A Yes sir.

Q There has been no separation of any kind between you two? A No sir
Q At the time of your marriage to your first husband, Ed Walker, did you obtain a marriage certificate? A Yes sir.
Q What became of that marriage certificate? A The Commission has it I think.

Mr London: I filed the marriage certificate between this applicant and Ed Walker with the records of the Commission and hold their receipt for it.

Q Have you any children for whom you claim the right to enrollment?
A Yes sir.
Q How many-three? A Yes sir.
Q One by your first husband? A Yes sir.
Q And two by your last Husband? A Yes sir.
Q What are the names of these two? A Bertha and Elois Welch.
Q These children have no Indian blood? A No sir.
Q They are both living? A Yes sir.

By Mr London:

Q Did you make application to the Dawes Commission in 1896 for enrollment? A No, but I made application to the tribal authorities
Q What was done with your case? A I was enrolled.
Q You were enrolled by the tribal authorities in 1896? A Yes sir.

---oOo---

Harry C Risteen, being first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 18th day of December, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Harry C Risteen

Subscribed and sworn to before me this 22 day of January 1903.

Charles H Sawyer

Notary Public.

BOARD OF DIRECTORS.
John G. Baird,
S. A. McDonald,
R. H. Green,
B. H. Harper,
J. G. Williams.

POTEAU NORMAL
—AND—
PROGRESSIVE SCHOOL.

D. J. AUSTIN, Principal.
W. M. AUSTIN, Co-Principal.

TUITION REASONABLE.
THOROUGH WORK.
MODERN METHODS.

Poteau, Ind. Ter., July 28th 1895.

Poteau Ind. Ter. }
Choctaw Nation }

To Whom it may concern:- This certifies that I, D. J. Austin a minister of the Gospel of the Baptist Church of Christ, and whose credentials are recorded in Book A, page 230 in the town of Si McAlester, Nov 25th, 1893. Did celebrate the rites of matrimony between Mr E. E. Walker and Miss Lemon Fry, according to the laws of aforesaid Choctaw Nation and Ind Ter.

Given under my hand and seal this July 28th 1895.

D. J. Austin, pastor
of Baptist Churches

CHOCTAW NATION,
County of Sugar Loaf.

I James Culberson Clerk in and for Sugar Loaf County, Choctaw Nation, do hereby Certify that the within and attached Marriage Certificate of Next page was filed in my office for record on the 6th day of August 189 and that same is duly recorded at page 143 vol. No "B" general records of said county.

IN WITNESS WHEREOF I hereto attach my hand and seal of office.

James Culberson Clerk.

7-D-215.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Leamon Welch as a citizen by intermarriage of the Choctaw Nation.

--: D E C I S I O N :--

It appears from the census card record herein that Leamon Welch made application to this Commission for enrollment as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of her two children, Bertha and Eloie Welch, as citizens of said Nation. The rights of said children being differently classified are not passed upon in this decision.

From the record herein it appears that the principal applicant, Leamon Welch, in the year 1895, was lawfully married to E. E. Walker, a recognized and enrolled citizen by blood of the Choctaw Nation, who is identified (as Edward E. Walker) upon the 1893 Choctaw Leased District Payment Roll, Skullyville County,page 70, number 682; that at the time of said marriage both persons above mentioned were residents in good faith of the Choctaw Nation, and lived together in said Nation as husband and wife, until the death of said E. E. Walker in 1896; that in 1898, the applicant herein was married to William Welch, a white man claiming no rights of Choctaw citizenship by blood.

The name of the applicant (as Mrs.Lemon Walker) appears on the 1896 Choctaw Census Roll, Sugar Loaf County, number 15154, enrolled thereon as a citizen by intermarriage of said Nation.

It further appears that the applicant herein was a resident in good faith of the Choctaw Nation from the date of her marriage in 1895, up to and including September 25, 1902.

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of Thornton

D. Pearce (I. T. D. 4060-1904), relative to the question of forfeiture, Leamon Welch should be enrolled as a citizen by intermarriage of the Choctaw Nation in accordance with the provisions of the acts of Congress approved June 28,1898 (30 Stat., 495) and July 1, 1902 (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cahirman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

JAN 1 4 1905

Choctaw D 215

COPY.

Muskogee, Indian Territory, January 14, 1905.

Leamon Wisch,

Poteau, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered January 14, 1905, granting your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling you as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, your name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

Tams Bixby

Chairman.

Registered.

Incl. 7-D-215.

Choctaw D 218.

COPY.

Muskogee, Indian Territory, January 14, 1905.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Freedmen,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission rendered January 14, 1905, granting the application for the enrollment of Lemmon Welch as a citizen by intermarriage of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, her name will be placed upon the final rolls of the citizens of the Choctaw Nation, to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Tams Bixby

Chairman.

Registered.
Incl. 7-D-218.

See Choctaw 5700 for registry receipt for this letter.

Original
Marriage Certificate
found in
7-2395
file of applicant
(found 12/4/07)

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
DEC 2 1904

In re. the application of Frannie Welch for enrollment as a member Choctaw Tribe of Indian by intermarriage.

Wesley N. James first being duly sworn deposes and says: My name is Wesley N. James, I am 34 yrs old and reside at Paris Ind. Ter. and have resided in this vicinity all my life. Am Choctaw by blood. I was present at the marriage of Ed Walker and Frannie Fry, now Frannie Welch, and saw and heard the marriage ceremony performed by Rev. D. J. Austin. It was in the afternoon of July 28 1895. I was personally acquainted with both contracting parties and had been for a long time prior thereto, and was present as an invited guest, and know that they were lawfully married.

Wesley N. James

Subscribed and sworn to before me this Sept 12, 1904.

Jesse P. Day
Notary Public

Muskogee I. T. July 21, 1906

Elsie James first being duly sworn deposes and says, My name is Elsie James Elsie at Point Pleasant and have lived there many years.

I was present at the marriage of Ed Walker and Frances Fry (now Frances Welch, at Point Pleasant, and saw and heard the marriage ceremony performed by Rev D.J. Austin. It was in the afternoon of July 28. 1895 I was well acquainted with both parties and was present at the marriage as an invited guest and knows that they were lawfully married.

Elsie James

Subscribed and sworn to before me this Sept 12, 1904

Jean P Day
My Com Exp Jan 21, 1906 Notary Public

Minnie Jones first being duly sworn deposed and says; my name is Minnie Jones I reside at Pelham, Ga and have resided there many years. I was present at the marriage of Ed Walker and Frances Fry, now Frances Walker and saw and heard the marriage ceremony performed by Rev. D J Austin. It was in the afternoon of July 28, 1895. I was personally acquainted with both parties and been for a long time prior thereto, and was present as an invited guest, and knows that they were lawfully married

Jesse O Day Minnie Jones

Subscribed and sworn to before me this Sept 14, 1904

Jesse O Day
notary Public
Decatur Dist, Ga

My Com. Ex July 24, 1906

Muscogee, Indian Territory,

August 10th, 1900.

Leeman Welch,

Atoka, Indian Territory.

Dear Sirs:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs McKennon, Mansfield, Murray, & Cornish, has filed with this Commission a notice of protest to your enrollment and the enrollment of Bertha Welch as citizens of the Choctaw Nation.

The Commission, commencing December 3rd, 1900, will hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Acting Chairman.

7-D-218.

Muskogee, Indian Territory, September 16, 1900.

Leamen Welch,

Poteau, Indian Territory.

Dear Madam:-

Since notifying you on August 18, 1900, of the protest filed by the Choctaw Nation to your enrollment as a citizen of the Choctaw Nation, the Commission has been furnished by the Nation with the grounds upon which objection is made to your enrollment. The protest against you is, that you have married out of the Nation.

The Commission is in possession of a sufficient statement of facts upon which a decision may be rendered and in your case it will not be necessary for you to appear at the appointment at Atoka beginning December 3rd, 1900.

The Commission will accept and consider any written arguments on questions of law submitted on behalf of the Choctaw Nation at any time prior to February 1st, 1901, and on your behalf at any time prior to March 1st, 1901.

As soon thereafter as practicable the Commission will consider and finally determine your right to enrollment and the decision of the Commission, stating fully its reasons for any action that may be taken, will be mailed to you.

Yours truly,

Acting Chairman.

7-D-915

Muskogee, Indian Territory, November 26, 1900.

D. Simmons,

Henry Ette, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the 21st instant in which you desire to be informed if a Creek citizen by blood who has been placed upon the Choctaw rolls but has not filed upon any allotment as yet, can now file upon a prospective allotment in the Creek Nation and if so what would be the necessary steps to take, and if the name of Cora Lee Walker of Canadian, Indian Territory, has been placed upon the Choctaw rolls.

You are informed that the records of the Commission show relative to the party of whom you inquire and other members of the same family, the following statement of facts:

Sallie Walker, 42 years of age and the white wife of George W. Walker, deceased, was admitted to citizenship in the Choctaw Nation by a judgment of this Commission under the act of Congress of June 10th, 1896, in Choctaw case No. 812 and no appeal having been taken therefrom by the Choctaw Nation in the time prescribed by law, the action of the Commission became final and she was accordingly on August 14th, 1899, listed for enrollment by this Commission as an intermarried citizen of the Choctaw Nation. At the same time there were listed her two children Cora L. B. Walker, 19 years of age and Arthur L. Walker, 16 years of age, Sallie Walker and these two children having been identified by this Commission from the 1896 Census Roll of the Choctaw Nation. It also appears that Cora L.

D S 2 Walker and Arthur L. Walker are on the 1890 and 1896 rolls of the Creek Nation and their enrollment as citizens of the Creek Nation by the Creek tribal authorities is through their father, who it is claimed, is a Creek citizen.

William T. Walker, 22 years of age, of Canadian, Indian Territory, was listed for enrollment by this Commission as a citizen of the Choctaw Nation, September 14th, 1899, having been identified by the Commission from the 1896 Census roll of the Choctaw Nation as the son of George W. Walker, a deceased Choctaw citizen and Sallie Walker, a white woman. It also appears that his name is on the 1896 Creek pay roll and he was enrolled by the Creek tribal authorities as a citizen of that Nation by reason of the fact that it is claimed his father was a Creek citizen.

Edward N. Walker, 3 years of age, and the son of Ed N. Walker and Leamon Welch, was listed for enrollment by this Commission as a Choctaw citizen, June 7th, 1899, having been identified from the 1896 Census roll of the Choctaw Nation. This child is the grand-child of George W. Walker and also appears upon Creek census card of this Commission, No. 2474.

Leamon Welch, 23 years of age and a white woman, was listed for enrollment as a doubtful claimant to citizenship in the Choctaw Nation on June 7th, 1899. This woman was on July 20th, 1893 married to Ed N. Walker, the son of George W. Walker, who it was claimed was a Choctaw citizen and she lived with him until his death, after which she in 1898 married a man by the name of William A. Welch, Jr.

The testimony offered in support of these parties right to enrollment as citizens of the Choctaw Nation, in all to the effect that George W Walker was a Choctaw Indian and the names of all the parties above mentioned appear upon the 1896 Census roll as

CORRECTION

THIS DOCUMENT HAS BEEN REPHOTOGRAPHED TO ASSURE LEGIBILITY

D S & Walker and Arthur L. Walker are on the 1896 and 1898 rolls of the Creek Nation and their enrollment as citizens of the Creek Nation by the Creek tribal authorities is through their father, who it is claimed, is a Creek citizen.

William T. Walker, 22 years of age, of Canadian, Indian Territory, was listed for enrollment by this Commission as a citizen of the Choctaw Nation, September 14th, 1899, having been identified by the Commission from the 1896 Census roll of the Choctaw Nation as the son of George W. Walker, a deceased Choctaw citizen and Sallie Walker, a white woman. It also appears that his name is on the 1895 Creek pay roll and he was enrolled by the Creek tribal authorities as a citizen of that Nation by reason of the fact that it is claimed his father was a Creek citizen.

Edward N. Walker, 3 years of age, and the son of Ed N. Walker and Leamon Weloh, was listed for enrollment by this Commission as a Choctaw citizen, June 7th, 1899, having been identified from the 1896 Census roll of the Choctaw Nation. This child is the grand-child of George W. Walker and also appears upon Creek census card of this Commission, No. 2474.

Leamon Weloh, 23 years of age and a white woman, was listed for enrollment as a doubtful claimant to citizenship in the Choctaw Nation on June 7th, 1899. This woman was on July 20th, 1898 married to Ed N. Walker, the son of George W. Walker, who it was claimed was a Choctaw citizen and she lived with him until his death, after which she in 1898 married a man by the name of William A. Weloh, Jr.

The testimony offered in support of these parties right to enrollment as citizens of the Choctaw Nation, is all to the effect that George W Walker was a Choctaw Indian and the names of all the parties above mentioned appear upon the 1896 Census roll as

prepared by the tribal authorities of the Choctaw Nation and there is no record of any objection ever having been made by the Choctaw tribal authorities to their rights to citizenship in that Nation.

The records of the Commission, however, relative to their rights in the Creek Nation show that they had been recognized by the Creek tribal authorities [redacted] of that Nation and in all the testimony relative to their rights in that Nation it is stated that George W. Walker is a citizen of the Creek Nation.

The question presented is merely as to the Indian blood of George W. Walker, whether he was in reality a Choctaw or Creek citizen but as the names of all the interested parties appear upon both the Choctaw and Creek tribal rolls in the possession of the Commission and there is no record of any objection having been entered by either of the Nations to their rights to enrollment and citizenship, it would seem that this is a case which comes within the provision of the act of Congress of June 28, 1898, which provides as follows:

"The several tribes may, by agreement, determine the right of persons who for any reason may claim citizenship in two or more tribes, and to allotment of lands and distribution of moneys belonging to each tribe; but if no such agreement be made, then such claimant shall be entitled to such rights in one tribe only, and may elect in which tribe he will take such right; but if he fail or refuse to make such selection in due time, he shall be enrolled in the tribe with whom he has resided, and there be given such allotment and distributions, and not elsewhere."

These parties have already appeared before the Commission either in person or by some representative, as applicants for enrollment as citizens of the Choctaw Nation and it is now suggested that an appearance be made by them as applicants for enrollment as citizens of the Creek Nation and upon such appearance that they elect as to which one of the two tribes they desire to be enrolled

with and to select their allotment. The interested parties who have reached their majority will have to appear for themselves but the minor children can have an appearance made in their behalf by "their father, mother, guardian or the administrator having charge of their estate", preference being given in the order named.

It is suggested that applications of these parties for enrollment as citizens of the Creek Nation be made to the Commission at its office in Muskogee, Indian Territory, as early as practicable after the first of January, 1901.

Yours truly,

Acting Chairman.

7-D213
7-2393
7-4768
7-4770

7-2393

Muskogee, Indian Territory, October 9, 1903.

W. A. Welch, Jr.,

Poteau, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of September 8, 1903, in which you ask if you will be permitted to file on land for your step-son, Edward E. Walker, or if his mother can file for him, as he is a minor.

In reply to your letter you are advised that it appears from our records that Edward E. Walker has been enrolled by this Commission as a citizen by blood of the Choctaw Nation and his enrollment has been approved by the Secretary of the Interior. It further appears that his mother, Leamon Welch, is an applicant for enrollment as an intermarried citizen of the Choctaw Nation whose final right has not yet been determined, and if the land desired in [redacted] in the Choctaw Nation, Leamon Welch may appear at the Choctaw land office at Atoka with her son, Edward E. Walker, and allotment will be made to him by the Commission of the land which it is desired to select for him.

Respectfully,

Chairman.

Choctaw D 215

Muskogee, Indian Territory, March 17, 1904.

W. A. Welch, Jr.,

Poteau, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of March 10, asking that your wife's case be passed upon as early as possible, as other persons are filing on the land containing her improvements, and she wishes to be in a position to protect the same.

In reply to your letter you are advised that the Commission has not yet passed upon the application of Leamon Welch for enrollment as an intermarried citizen of the Choctaw Nation, but as soon as a decision is reached she will be notified of the action taken therein. You are informed, however, that if she will forward a description of the land on which she has improvements, and which she desires to select as her allotment, proper notation thereof will be made upon our records and in the event other persons make application for the same land she will be notified and will be permitted to make application, upon her personal appearance at the land office for the nation in which the land is situated, at any time within nine months from the date of the original selection, for the purpose of instituting contest proceedings.

Respectfully,

Choctaw D 215

Muskogee, Indian Territory, May 12, 1904.

W. A. Welch, Jr.,

Poteau, Indian Territory,

Dear Sir:

Your letter of April 20, addressed to the Secretary of the Interior, has been by him referred to the Commission for consideration and appropriate action. Therein you refer to the claim of your wife? Leamon Welch, and ask why the cases of intermarried persons are not passed on by the Commission.

In reply to your letter you are advised that the Commission is passing upon applications for enrollment as intermarried citizens of the Choctaw and Chickasaw Nations as rapidly as practicable, and as soon as a decision is reached in the matter of the application of Leamon Welch for enrollment as an intermarried citizen of the Choctaw Nation, she will be notified of the action taken therein.

Respectfully,

Chairman.

Muskogee, Indian Territory, September 3, 1904.

Leamon Welch,

Poteau, Indian Territory,

Dear Sir:

In the matter of your application for enrollment as a citizen by intermarriage of the Choctaw Nation, it appears that you claim your right to enrollment through your marriage to Ed Walker.

You are advised that there is not sufficient proof of your marriage to Ed Walker on file in your case, and that it will be necessary for you to produce and file with the Commission your original marriage certificate or a certified copy of the record of the same, but if neither of these can be obtained you should produce and file the affidavits of two or more reputable persons who were present at the time of your marriage and know that you were lawfully married to Ed Walker.

Respectfully,

Chairman.

7-D-215

Muskogee, Indian Territory, September 22, 1904.

Leamon Welch,

Poteau, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 15th instant, enclosing affidavits of Wesley W. James, Clara James and Minnie Jones, eye witnesses to the marriage between yourself and Ed Walker, July 28, 1895, and the same have been duly filed with the records of the Commission in the matter of the application for your enrollment as an intermarried citizen of the Choctaw Nation.

Should it be necessary that further evidence, relative to said marriage be supplied, you will be duly notified.

Respectfully,

JD

Chairman.

Chec 5884 William W. Wilson

Trans from chec D 254 Jan 25, 1905

5884

Commission to the Five Civilized Tribes,

Red Oak, Indian Territory.

In the enrollment of William W Wilson as intermarried Choctaw being sworn and examined by Com'r McKennon he testifies:

Q What is your name? A William W. Wilson.

Q How old are you? A I am forty-five.

Q Did you marry a Choctaw woman? A Yes sir.

Q What was her name? A Nancy Anderson.

Q Did you get a license? A Yes sir, I got a license from Judge Forrest.

Q You obtained a license did you to marry her?

A Yes sir.

Q Who issued that license? A Mr. Forrest returned them to me; I couldn't tell you who wrote them out .

Q You paid for the license? A Yes sir.

Q According to law? A Yes sir.

Q Who married you? A Mr. Forrest here.

Q How long did you live with that woman? A I don't know, I t wasn't over a month I don't think before she left.

Q You know what made her leave? A No sir I do not.

Q Don't have any idea on the face of the earth do you?

A No sir, I never give her no cause to leave.

Q You never lived with her any more? A No sir.

Q Then afterwards you married a white woman? A Yes sir.

Joseph S, Forrest being sworn and examined testifies:

Q Your name is Joseph S. Forrest? A Yes sir.

Q You are a Choctaw citizen? A Yes sir.

Q Were you County Judge? A Yes sir., of Sans Bois County, Choctaw Nation.

(William W. Wilson, Joseph G. Forrest witness #2)

Q Did you issue a license to William W. Wilson to marry Nancy Anderson? A Yes sir.

Q Did you marry him to the woman under that license?

A Yes sir.

Q Delivered the license to hi m? A Yes sir.

Q That was in the Choctaw Nation? A Yes sir.

Q About how long ago? A I think it was in 1886.

William W. Wilson again testifies:

Q You say that white woman you married destroyed that license?

A I didn't say she destroyed them, but I went away and left them in the trunk, and when I went back I couldn't find them.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

M D Green

Department of the Interior.

Commission to the Five Civilized Tribes.

In the matter of the application of
William W. Wilson for enrollment as an ---D 254---
intermarried citizen of the Choctaw
Nation.

On the 28th day of February, 1902, the applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were notified by registered mail that the application of William W. Wilson for enrollment as a citizen of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 7th day of April, 1902, for final consideration.

Now, on this 7th day of April, 1902, this cause coming on to be heard pursuant to said notice, the applicant being called failed to appear either in person or by attorney, and the Choctaw Nation appeared by its attorneys, Mansfield, McMurray & Cornish, and submitted this case upon the record.

-----o-----

Harry C Risteen, being first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 7th day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Harry C Risteen

Subscribed and sworn to before me this 10th day of April, 1902.

Clarence Chatwood

Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
South McAlester, I. T., December 22nd, 1902.

Choctaw D-254
Intermarried

----------oOo----------

In the matter of the application of William W. Wilson for enrollment as an intermarried citizen of the Choctaw Nation.

William W. Wilson being first duly sworn testified as follows:

Examination by the Commission.

Q What is your name? A William W. Wilson.
Q How old are you? A To the best of my knowledge I will be forty-eight my birthday.
Q What is your post office address? A McCurtain now.
Q How long have you resided in the Choctaw Nation? A About twenty-five years.
Q Have you maintained a continuous residence here for twenty-five years? A Yes sir.
Q Have you ever made your home elsewhere? A No sir.
Q Lived here continuously now for twenty-five years? A Yes sir, I have never lived outside the Choctaw Nation since I first came here.
Q You are a white man? A Yes sir.
Q An applicant for enrollment as an intermarried citizen of the Choctaw Nation? A Yes sir.
Q What is thename of your Choctaw wife? A Nancy Anderson.
Q Is she a recognized citizen by blood of the Choctaw Nation?
A Yes sir, I suppose she was. She was - - -well, I wont say for certain.whether she's Green or Mrs. McCurtain's niece.
Q When were you married to her? A '85.
Q Was you ever married prior to your marriage to her? A Yes sir.
Q How many times? A Once.
Q To whom? A Her name was Robinson; said to be a Cherokee lady; I don't know whether she was or not.
Q How long did you live with her? A Lived with her four years.
Q Lived with her until she died? A No sir, she left me.
Q Were you divorced from her? A Well, she died after we separated
Q She died before you married Nancy Anderson? A Yes, a good long while.
Q When were you married to Nancy Anderson? A '85.
Q Who married you? A Smedley Forest.
Q Did you get a Choctaw license to marry her? A Yes sir.
Q How much did you pay for that license? A Sixteen dollars.
Q Have you got your marriage license and certificate? A No sir, the last wife that I married burnt them; well, she destroyed them; I don't know whether she burnt them or what was done with them.
Q Have you ever attempted to secure any proof of your marriage to Nancy Anderson? A Yes sir, Jackson Cooper is a witness to my marriage, and his wife.

Q Are they here? A Yes sir, bring them in.

A. J. Cooper being called as a witness and duly sworn, testified as follows:

Q What is your name? A A. J. Cooper.
Q How old are you? A Thirty-five years old.
Q Are you a citizen of the Choctaw Nation? A Yes sir.
Q Where do you live? A McCurtain.
Q Do you know this man William W. Wilson? A Yes sir.
Q Know his wife Nancy Anderson? A Yes sir.
Q Do you know they were married? A Yes sir.
Q Where were they married? A Married at Smedley Forest's.
Q Were you present when they were married? A Yes sir.
Q Did you see them married? A Yes sir.
Q Were they married under a Choctaw license? A Yes sir.
Q Did you see the license? A No sir.
Q How do you know he obtained a Choctaw license to marry Nancy Anderson? A Well, that's what he claimed--that he got license; I never seen them.

Annie Cooper being called as a witness and duly sworn, testified as follows:

Q What is your name? A Annie Cooper.
Q How old are you? A Thirty-three.
Q Where do you live? A McCurtain.
Q Are you a Choctaw citizen? A No sir.
Q White woman? A Yes sir.
Q Do you know this man William W. Wilson? A Yes sir.
Q How long have you known him? A All my life.
Q Do you know his Choctaw wife Nancy Anderson? A Yes sir.
Q Do you know that he was married to Nancy Anderson? A Yes sir.
Q When were they married? A In '85 I think.
Q Were you present when they were married? A Yes sir.
Q Did you see them married? A Yes sir.
Q Was he married to Nancy Anderson under a Choctaw license? A Yes sir.
Q How do you know he was? A He told me he was.
Q Did you ever see the license? A I saw the papers but I never read them.
Q Was Nancy Anderson a Choctaw Indian? A Yes sir.
Q Was she always recognized as such by the tribe? A Yes sir, as far as I know she was.

Applicant recalled and examined by Simon E. Lewis:

Q Who was Nancy Anderson? A Well, I couldn't tell you, only - - well, Nancy Anderson and - -you know that fellow that was sentenced to be shot - -well, they did shoot him.

Q Mitchell Anderson? A Yes sir, he was her brother.
Q Didn't you record your license in the circuit court? A Yes sir.
Q Well you ought to be able to get a copy of it? A Well you know when the court house got burnt up at Sans Bois the judge told me that the books - - -I went to get a copy of it again after mine was misplaced and he said the books was burnt up and he just couldn't do it and that's the reason I didn't get it.

A. J. Cooper recalled and examined by the Commission:

Q Did you know Nancy Anderson personally? A Why I never knew her very long. She lived away down at the head of Poteau.
Q Was Nancy Anderson a recognized member of the Choctaw tribe?
A Yes sir.
Q Was she a sister of Mitchell Anderson? A I couldn't tell you. They told me she was relation to Governor McCurtain.

Applicant recalled and examined by the Commission:

Q When were you married to Nancy Anderson? A '85.
Q How long did you live with her? A Well sir, two weeks I think, or three.
Q Did you live with her up to the time of her death? A No sir, when she left me she went across the mountains and died.
Q Did she leave you or you leave her? A She left me.
Q What was the cause? A I couldn't tell you to save my life. If I was going to be shot I couldn't tell you.
Q Did you ever see her after that? A Not after she left the settlement I never.
Q Did you have a divorce from her? A Not until she died.
Q When did she die? A It must have been in '86. She died right shortly after she left me.
Q Don't know any reason why she left you? A No sir.
Q Only lived with her about two weeks? A Two or three weeks.
Q Well have you ever married since her death? A Yes sir.
Q To whom? A Married old man Drakes' daughter.
Q Who was old man Drake? A He was an intermarried citizen living here at Sans Bois.
Q Was the woman that you married the second time, Drake's daughter, a white woman? A Yes sir.
Q Then you claim your rights as an intermarried citizen entirely through your marriage to Nancy Anderson? A Yes sir.
Q How long didyyou live with Drake's daughter? A Nine years.
Q Is she still living? A Yes sir, I guess so. I heard from her a week or so ago.
Q Are you separated from her? A Yes sir.
Q Are you divorced from her? A Yes sir.
Q Ever married since your divorce from her? A No sir.

Examination by Simon E. Lewis:

Q Was that girl that you married any kin to that girl that that

Kelton boy married? A Well Judge I couldn't tell you to save my life.
Q You remember that Kelton boy married one of them Andersons?
A Lizzie.
Q Brother to Fred? A Oh! Willie.
Q I don't know what his name was; he was Fred's brother; he married a woman called Anderson? A I knowed Fred's wife.

- - - - - - - - - - - - -

Albert G. McMillan being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 22nd day of December, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert G. McMillan

Subscribed and sworn to before me this 10 day of February, 1903.

Charles B. Sawyer
Notary Public.

7-D-254.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of William W. Wilson as a citizen by intermarriage of the Choctaw Nation.

--: D E C I S I O N :--

It appears from the record herein that the applicant William W. Wilson, in 1885, was married in accordance with the laws, customs and usages of the Choctaw Nation to Nancy Wilson (nee Anderson), a recognized and enrolled citizen by blood of the Choctaw Nation whose name appears upon the 1885 Choctaw Census Roll, Sans Bois County, number 814; that at the time of said marriage both the parties above mentioned were residents in good faith of the Choctaw Nation, and they lived together in said Nation as husband and wife for about three weeks when they separated; that shortly thereafter said Nancy Wilson died, and subsequently the applicant herein was married to _____ Drake, a white woman claiming no right of Choctaw citizenship by blood.

The name of the applicant (as Wm. Wilson) appears upon the 1885 Choctaw Census Roll, Sans Bois County, number 813, enrolled thereon as a citizen by intermarriage of the said Nation.

It further appears that the applicant herein was a resident in good faith of the Choctaw Nation from the time of his marriage in 1885 up to and including September 25, 1902.

It is, therefore, the opinion of the Commission that, following the ruling of the Department in the case of Thornton D. Pearce (I.T.D. 4060-1904) relative to the question of forfeiture, William W. Wilson should be enrolled as a citizen by intermarriage

of the Choctaw Nation in accordance with the provisions of the acts of Congress approved June 28, 1898, (30 Stat., 495) and July 1, 1902, (32 Stat., 641) and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory.
JAN 12 1905

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of William W. Wilson as a citizen by intermarriage of the Choctaw Nation, Choctaw Field No. D-254.

- - - - - -

We hereby request on behalf of the Choctaw and Chickasaw Nations, that final decision in this case be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of B. F. Thompson vs. Choctaw and Chickasaw Nations, No. 38 on the South McAlester Docket, in which the said court will decide the question of the validity of that portion of the intermarriage laws of the Choctaw Nation providing for the forfeiture of citizenship of white persons who separate from their Indian spouses, which question is involved inthe case to which this communication refers.

This request is filed under authority granted by the Honorable Secretary of the Interior in his communication to the Commission to the Five Civilized Tribes upon the subject, dated November 18, 1903.

Attorneys for the Choctaw & Chickasaw Nations.

January 23, 1904.

Muscogee, Indian Territory,

August 18th, 1900.

William W. Wilson,

Stigler, Indian Territory,

Dear Sir:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs McKennon, Mansfield, McMurray, & Cornish, has filed with this Commission a notice of protest to your enrollment as a citizen of the Choctaw Nation.

The Commission, commencing December 3rd, 1900, will hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Acting Chairman.

7-D-254.

Muskogee, Indian Territory, September 1, 1900.

William W. Wilson,

Stigler, Indian Territory.

Dear Sir:-

Since notifying you on August 16, 1900, of the protest filed by the Choctaw Nation to your enrollment as a citizen of the Choctaw Nation, the Commission has been furnished by the Nation with the grounds upon which objection is made to your enrollment. The protest against you is, that you have married out of the Nation.

The Commission is in possession of a sufficient statement of facts upon which a decision may be rendered and in your case it will not be necessary for you to appear at the appointment at Atoka beginning December 3rd, 1900.

The Commission will accept and consider any written arguments on questions of law submitted on behalf of the Choctaw Nation at any time prior to February 1st, 1901, and on your behalf at any time prior to March 1st, 1901.

As soon thereafter as practicable the Commission will consider and finally determine your right to enrollment and the decision of the Commission, stating fully its reasons for any action that may be taken, will be mailed to you.

Yours truly,

Acting Chairman.

7-D-354

Choctaw D-254

Muskogee, Indian Territory, February 28, 1902.

William W. Wilson,

Stigler, Indian Territory.

You are hereby notified that the application for enrollment of yourself as a citizen of the Choctaw Nation will be taken up by the Commission to the Five Civilized Tribes for final consideration at its office in Muskogee, Indian Territory, on the 7th day of April, 1902.

On said date, you may, if you desire, appear before the Commission in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting said application.

You are further notified that the Representatives of the Choctaw Nation will also at the same time be afforded an opportunity to introduce testimony affecting your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

The Commission to the Five Civilized Tribes.

T. B. Needles.

Commissioner in Charge.

Registers.

Choctaw D 254

Muskogee, Indian Territory, February 11, 1904.

William W. Wilson,

Stigler, Indian Territory.

Dear Sir:

You are hereby advised that under direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Choctaw and Chickasaw Nations dated January 23, 1904, no further action will be taken relative to your enrollment as an intermarried citizen of the Choctaw Nation until the Commission is further instructed by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

7-D-254
7-D-998

Muskogee, Indian Territory September 1, 1904.

W. C. Rean,

Spiro, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of the 24th ult., requesting to be advised relative to the status of the application for enrollment of Mary Ellen Petty as a citizen by blood of the Choctaw Nation. Also the application for enrollment of W. W. Wilson as an intermarried citizen of the Choctaw Nation.

You are informed that no action has yet been taken relative to the enrollment of either of the persons concerning whom your inquiry is made. It is probable, however, that the same will receive consideration in the near future.

Respectfully,

Chairman.

Choctaw D-254.

COPY.

Muskogee, Indian Territory, January 12, 1905.

William W. Wilson,

Stigler, Indian Territory.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered January 12, 1905, granting your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of the decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling you as a citizen of the Choctaw Nation. If at the expiration of that time, no protest has been filed, your name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Tams Bixby

Chairman.

Registered.

Encl. 7-D-254.

Choctaw D-254.

COPY.

Muskogee, Indian Territory, January 12, 1905.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of this Commission rendered January 12, 1905, granting the application of William W. Wilson for enrollment as a citizen by intermarriage of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If at the expiration of said time no protest has been filed, his name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

[redacted]

Tams Bixby
Chairman.

Registered.
Encl. 1-D-254.

See Choctaw D-800 for registery receipt for this letter.

Choctaw D-254.

Muskogee, Indian Territory February 28, 1902.

William W Wilson,
Stigler, Indian Territory.

You are hereby notified that the application for enrollment of yourself as a citizen of the Choctaw Nation will be taken up by the Commission to the Five Civilized Tribes for final consideration, at its office in Muskogee, Indian Territory on the 7th day of April, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

The Commission to the Five Civilized Tribes.

T. B. Needles.

Commissioner in Charge.

Register.

7-N-254
7-N-998

Muskogee, Indian Territory September 1, 1904.

H. O. Bean,

Spiro, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of the 28th ult., requesting to be advised relative to the status of the application for enrollment of Mary Ellen Petty as a citizen by blood of the Choctaw Nation. Also the application for enrollment of W. F. Wilson as an intermarried citizen of the Choctaw Nation.

You are informed that no action has yet been taken relative to the enrollment of either of the persons concerning whom your inquiry is made. It is probable, however, that the same will receive consideration in the near future.

Respectfully,

Chairman.

Choc 5885 Mary Thompson

Trans from Choc D-318 Dec 31, 1904

5885

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

--oOo--

Record in the matter of the application for enrollment as a citizen by intermarriage of the Choctaw Nation of
Mary Thompson,
7-D-315.

Commission to the Five Civilized Tribes,

Durant, Indian Territory.

In the enrollment of Mary Thompson as an intermarried Choctaw; being sworn and examined by Commissioner McKennon she testifies:

Q What is your name? A Mary Thompson.

Q How old are you? A Thirty-three.

Q You claim to have been married to a Choctaw citizen?

A Yes sir.

Q Who? A I. F. Robinson.

Q When were you married to him? A 11th day of December 1881.

Q Did you live with him until he died? A Yes sir.

Q When did he die? A 25th of April 1886.

Q You have since that time married again? A Yes sir, I married a white man.

Q Non-citizen? A Yes sir.

Q When? A In 1892.

Q Are you still living with him? A Yes sir.

Q How were you married to Robinson? A We were married at Cox's Chapel in the Choctaw Nation.

Q By whom? A By J. G. Gardner.

Q What was he? A A preacher.

Q He was a Minister of the Gospel was he? A Yes sir.

Q You haven't any marriage certificate? A No sir.

Q You don't know whether there was any record made of it at all?

A No I do not.

Q Was he a Choctaw or a Chickasaw? A He was a Choctaw.

Q Was he living in the Chickasaw Nation at the time? A No. He lived four miles east of Caddo.

Q When you were married? A Yes sir.

Q In the Choctaw Nation? A Yes sir.

Mary Roberts being sworn and examined testifies:

(Mary Thompson, Mary Roberts witness #2)

Q What is your name? A Mary Roberts.

Q How old are you? A 44.

Q What do you know about this marriage?

Q I saw them married; I went with them.

Q Who performed the ceremony? A Parson Gardner.

Mary Thompson, recalled, testifies:

Questioned by A. Telle)

Q What Gardner was that? A Gid Gardner's father.

Questioned by Choc. Atty Shackelford)

Q Where did you marry the last time? A In Decatur, Texas.

Q How long did you live in Decatur, Texas?

A We never lived there at all.

Q Where are you living now? A Living in Durant.

Questioned by Com'r McKennon)

Q Have you been living in the Choctaw Nation all the while?

A I was raised here, but I have been away.

Q Where have you lived since you married Mr. Robinson?

A I have lived here all of my life; I have been gone about a year I reckon, and then I came back here in 1887; I have been here in the Choctaw Nation ever since 1887.

W. A. Durant being sworn and examined testifies:

Q What is your name? A W. A. Durant.

Q How old are you? A Thirty-three.

Q Did you know Folsom Robinson? A Yes sir.

Q Do you know his wife Mary? A Yes sir, they call her Minnie.

Q You don't know anything about their marriage? A I wasn't present when they married.

Q You knew they lived together as husband and wife? A Yes sir.

Q So held by the neighbors among whom they lived? A Yes sir.

Choctaw D. #318
Intermarried.

Department of the Interior
Commission to the Five Civilized Tribes.
South McAlester, Indian Territory,
December 22, 1902.

-:-

In the matter of the application of Mary Thomas, for enrollment as an intermarried citizen of the Choctaw Nation.

Mary Thomas being first duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Mary Thomas.
Q How old are you? A I was born in 1866 - 36 years.
Q What is your post office address? A South McAlester.
Q How long have you been a resident of the Choctaw Nation? A Most all my life, I was three years old when I came to the Nation.
Q Lived here continuously all that time? A Been away a little not very much.
Q Have you made your home outside of the Nation? A I have been here since I moved to Durant.
Q When was the last time you were living outside of the Nation? A (No answer).
Q You were living here two years before you were enrolled? A I was living at Durant.
Q Do you claim intermarried rights in the Choctaw Nation? A Yes, sir.
Q What is the name of your Choctaw husband? A Israel Folsom Robinson.
Q Was he recognized and enrolled as a citizen of the Choctaw Nation? A I don't know.
Q Were his rights as such ever disputed? A I don't think they ev er were.
Q When were you married to his man? A 11th day of December 1881.
Q Where was this ceremony performed? A Nine miles west of Durant.
Q At that time were both you and your husband living in the Choctaw Nation? A Yes, sir.
Q Who performed the marriage ceremony? A G. G. Gardner.
Q Minister of the gospel? A Yes, sir.
Q Were you married under a license? A No, sir.
Q Have you any evidence of that marriage? A Mary Roberts was present when we were married and W. A. Durant was to - but I know it.
Q Were you ever married before your marriage to Mr. Robinson? A No, sir.
Q Was he ever married before his marriage to you? A No, sir.
Q After that marriage how long did you live together as husband and wife? A Until his death, 24th December 1896.
Q Was there any separation whatsoever during his life? A No, sir.
Q After his death did you remarry? A Yes, sir.

Choctaw D. #318.

Q What was the date of your second marriage? A I can't give that, I don't know, I was married here at Krebs.
Q How long after the death of Mr. Robinson was your marriage to Mr. Barker? A. I think it was in 1899 - I forget.
Q Was he a white man? A yes, sir.
Q How long did you live with him? A Married in February, I think it was, lived together until September, then we separated.
Q Were you divorced? A No sir, we were nev er married. He was a white man and he never got any license.
Q Who married you? A person Hicks.
Q Was there any legal objection in the way of that marriage to Mr. Barker? A His name wasn't Barker, it was John Hickox, he married me under that name.
Q Is that the reason you state that the marriage was unlawful? A Yes, sir.
Q After your separation and divorce from him did you-? A I never had any divorce.
Q After your separation did you remarry? A Yes, sir.
Q What was the name of your second husband? A R. S. Thompson.
Q When were you married to him? A 2d September 1902.
Q Where was this ceremony performed? A Decater.
Q Were you married under a tribal license? A yes, sir.
Q Are you living with him now? A No, sir.
Q Have you separated? A Well I suppose we have.
Q Have you any divorce? A No, sir.
Q Are you at present an actual and bona fide resident of the Choctaw Nation? A I am living here at McAlester.
Q Do you intend to make this your permanent home? A Well I can't say that.
Q Do you intend to make the Nation your hime? A I do if I have any rights here.

--:--

Chas. Diffendaffer, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Chas Diffendaffer

Subscribed and sworn to before me this 6th day of January 1903.

Charles W. Thompson

Notary Public.

To Whom It May Concern.

I Czarina Fulsom Robb am a citizen by blood of the Choctaw Nation of the Indian Territory. I live at Atoka in the Indian Territory.

I knew Israel Fulsom Robinson. He was a Choctaw by blood. His father was Calvin Robinson. Calvin Robinson was a first cousin of mine and a one fourth blood Choctaw. I remember Israel Fulsom Robinson's mother. Before her marriage to Calvin Robinson her name was Sophie James. She was a full blood Choctaw.

Israel Fulsom Robinson was a full brother to McKee Fulsom Robinson. Israel Fulsom Robinson and his parents lived within a few miles of my father's place near Caddo in the Indian Territory. Israel Fulsom Robinson was born near Caddo in the Indian Territory. I am 71 years of age and ~~an approved~~ a recognized citizen of the Indian Territory.

Czarena Robb.

Subscribed and sworn to before me this the 3d day of December 1904. United States of America, Central Judicial District } S.S.

Fred H. Ayers notary public within and for the central district of the Indian Territory United States of America.

My commission expires on the 29th day of June 1908.

Y-D-318.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, INDIAN TERRITORY, DECEMBER 5, 1904.

In the matter of the application of Mary R. Thompson for enrollment as a citizen by intermarriage of the Choctaw Nation.

MARY R. THOMPSON,
Being first duly sworn on oath testified as follows:

EXAMINATION BY THE COMMISSION.

Q What is your name? A Mary R. Thompson.
Q What is your post office address? A Ada, Indian Territory.
Q You appeared before the Commission did you, on December 22, 1902? A At McAlester.
Q Yes? A Yes sir that was the time I give in my name.
Q Did you at that time give in your name as Mary Thomas?
A No sir I gave in my name as Mary R. Thompson.
Q Our records show that in your testimony at South McAlester on December 22, 1902 you gave your name as Mary Thomas; is that a mistake? A I didn't give my name as Mary Thomas it was a mistake for my name is Mary R. Thompson; that is the way I sign my name.
Q Through whom do you claim intermarried rights? A Through Israel Nelson Thompson; he was the son of Calvin Robinson.
Q When did your husband die? A He died April 25, 1884.
Q Did he die in 1884? A Yes sir we were married December 11 1881 and he died April 25, 1884.
Q In your examination of December 22, 1902, our records show that you testified, in substance as follows: I and my Indian husband lived together as husband and wife until his death November 20, 1884. Is that a mistake? A Yes it is that is a mistake.
Q What is the correct date? A We were married on December 11 1881 and he died on the 25th day of April 1884.
Q Where were you and your husband residing at the time you were married? A Where was I living.
Q Yes? A I was living in Denver.

7-D-315---2

Q Where was he living? A He was living at Caddo mostly but he lived part of the time at Durant?
Q In the Choctaw Nation? A Yes sir in the Choctaw Nation.
Q Were you both residents of the Choctaw Nation at the time of your marriage? A Yes sir.
Q Were you his first wife? A Yes sir I was his first wife.
Q Was he your first husband? A Yes sir he was my first husband.
Q Where did you both reside together as husband and wife after your marriage? A At Durant.
Q Until the time of his death? A Yes sir.
Q Was there ever any separation, abandonment or divorce between you and your husband? A No sir.
Q What County was your husband living in at the time you married him? A In Blue County.

Israel Folsom Robinson, through whom the applicant claims her right as an intermarried citizen of the Choctaw Nation, and the applicant herself are identified on the 1896 Choctaw Census Roll of Blue County as G. F. Robinson and Minnie B. Robinson, respectively, and are numbers 1432 and 1433 respectively.

Q

Q Were you ever known by the name of Minnie B. Robinson?
A I am best known by the name of Minnie B. Robinson, but my Bible name is Mary R. Robinson and that is the way I always sign my name.

J. C. FOLSOM
Being first duly sworn testified as follows:

EXAMINATION BY THE COMMISSION.

Q What is your name? A J. C. Folsom.
Q What is your post office address? A Atoka.
Q You are a Choctaw by blood? A Yes sir. I am a Choctaw by blood.
Q Are you on the final roll? A Yes sir
Q And have taken your allotment? A Yes sir.
Q Do you know the applicant, Mary R. Thompson? A Well I know of her.
Q How long have you known her? A Ever since she was married to Israel Folsom Robinson.
Q What relation is Israel Folsom Robinson to yourself? A He was my second cousin; his father, Calvin Robinson was my first cousin.
Q Is Calvin Robinson living? A No sir he is dead.

7-D-318 ---3

Q Mr Folsom do you know wheather Israel Folsom Robinson was married to Mary E. Robinson? A Only through hearsay.
Q Do you know that they lived together as husband and wife?
A Yes sir they lived together as husband and wife.
Q Did they have any children? A Yes sir I heard they did; they lived 30 miles from where I lived and I only know from what I heard.

Mattie V. Vaughn states upon oath that as stenographer to the Commission to the Five Civilized Tribes she correctly recorded the testimony in the above entitled cause and that the foregoing is an accurate transcriyt of her stenographic notes thereof.

Mattie V. Vaughn

Subscribed and sworn to before me this 5th day of December 1904.

Chas. D. Sawyer
Notary Public.

7-D-318.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

--oOo--

In the matter of the application of Mary Thompson for enrollment as a citizen by intermarriage of the Choctaw Nation.

--oOo--

-:D E C I S I O N:-

--oOo--

It appears from the record herein that on December 11, 1881, the applicant was lawfully married to Israel Folsom Robinson, a recognized and enrolled citizen by blood of the Choctaw Nation, who is identified (as G. F. Robinson) upon the 1885 Choctaw Census Roll, Blue County, number 1432; that at the date of said marriage both the persons above mentioned were residents in good faith of the Choctaw Nation and that they lived together as husband and wife in said nation continuously from said date until the death of the said Israel Folsom Robinson on April 25, 1886; that thereafter, in 1889, the applicant was married to John Hickox, and on September 2, 1902, was married to R. S. Thompson, both of said persons being white men having no rights of Choctaw citizenship by blood, and that the applicant has been a resident in good faith of the Choctaw Nation since the date of her marriage on December 11, 1881, up to and including September 25, 1902, with the exception of one year prior to 1887.

The name of the applicant (as Minnie B. Robinson) appears upon the 1885 Choctaw Census Roll, Blue County, number 1433.

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of Thornton D. Pearce (I.T.D.4060-1904) relative to the question of forfeiture, Mary Thompson should be enrolled as a citizen by intermarriage of the Choctaw Nation in accordance with the provisions of the acts of Congress approved June 28, 1898 (30 Stats., 495), and July 1, 1902 (32 Stats., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

DEC 15 1904

7-D-318

COPY.

Muskogee, Indian Territory, December 15, 1904.

Mary Thompson,

Ada, Indian Territory,

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered December 15, 1904, granting your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling you as a citizen of the Choctaw Nation. If at the expiration of said time no protest has been filed, your name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED)

Tams Bixby.

Chairman.

Registered.

Incl. 7-D-318.

V-D-318

COPY.

Muskogee, Indian Territory, December 15, 1904.

Alonzo T. West,
Attorney at Law,
Lehigh, Indian Territory,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on December 15, 1904, rendered its decision granting the application of Mary Thompson for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If at the expiration of said time no protest has been filed, her name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

Tams Bixby.

Chairman.

Registered.

7-D-318

COPY.

Muskogee, Indian Territory, December 15, 1904.

Galloway, Heflin & Threadgill,
Attorneys at Law,
Coalgate, Indian Territory,

Gentlemen:

You are hereby notified that the Commission to the Five Civilized Tribes, on December 15, 1904, rendered its decision granting the application of Mary Thompson for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If at the expiration of said time no protest has been filed, her name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,
SIGNED

Tams Bixby,
Chairman.

Registered.

7-D-318

COPY.

Muskogee, Indian Territory, December 15, 1904.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission, rendered December 15, 1904, granting the application of Mary Thompson for enrollment as a citizen by intermarriage of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from the date of this notice within which to file protest against the action of this Commission in enrolling said applicant as a citizen of the Choctaw Nation. If at the expiration of said time no protest has been filed, her name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,
SIGNED
Tams Bixby.
Chairman.

Registered.
Incl. 7-D-318.

(See 7-4618 for registry receipt for this letter.)

MEMORANDA.

rvrd

(Date) Aug 14th 1899.

Name .....

Choctaw? ..... County ..... Year ..... No. .....

Chickasaw? ..... County ..... Year ..... Page .....

Citizen by blood? ..... Mother's citizenship .....

Intermarried citizen? .....

Married under what law? .....

License filed this day, ...

Wife's name, Mary Thompson

Choctaw? yes County ..... Year ..... No. .....

Chickasaw? ..... County ..... Year ..... Page .....

Citizen by blood? ..... Mother's citizenship ~~yes~~

Intermarried citizen? yes

Married under what law? .....

License filed this day .....

Names of children:

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

As to marriage see testimony of herself Mary Roberts & W. A. Dunlap.

D 318

COMMISSIONERS:
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muscogee, Indian Territory,

August 18th, 1900.

Mary Thompson,

Durant, Indian Territory,

Dear Madam:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs McKennon, Mansfield, McMurray, & Cornish, has filed with this Commission a notice of protest to your enrollment as a citizen of the Choctaw Nation.

The Commission, commencing December 3rd, 1900, will hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Tams Bixby

Acting Chairman.

7-D-318.

Muscogee, Indian Territory,

August 16th, 1900.

Mary Thompson,

Durant, Indian Territory.

Dear Madam:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs McKennon, Mansfield, McMurray, & Cornish, has filed with this Commission a notice of protest to your enrollment as a citizen of the Choctaw Nation.

The Commission, commencing December 3rd, 1900, will hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Tams Bixby.

Acting Chairman.

Y-D-320.

Muskogee, Indian Territory, September 18, 1900.

Mary Thompson,

Durant, Indian Territory.

Dear Madam:-

Since notifying you on August 18, 1900, of the protest filed by the Choctaw Nation to your enrollment as a citizen of the Choctaw Nation, the Commission has been furnished by the Nation with the grounds upon which objection is made to your enrollment. The protest against you is, that you have married out of the Nation.

The Commission is in possession of a sufficient statement of facts upon which a decision may be rendered and in your case it will not be necessary for you to appear at the appointment at Atoka beginning December 3rd, 1900.

The Commission will accept and consider any written arguments on questions of law submitted on behalf of the Choctaw Nation at any time prior to February 1st, 1901, and on your behalf at any time prior to March 1st, 1901.

As soon thereafter as practicable the Commission will consider and finally determine your right to enrollment and the decision of the Commission, stating fully its reasons for any action that may be taken, will be mailed to you.

Yours Truly,

Tams Bixby.

Acting Chairman.

7-D-318

COMMISSIONERS:
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, September 18, 1900.

Mary Thompson,

Durant, Indian Territory.

Dear Madam:-

Since notifying you on August 18, 1900, of the protest filed by the Choctaw Nation to your enrollment as a citizen of the Choctaw Nation, the Commission has been furnished by the Nation with the grounds upon which objection is made to your enrollment. The protest against you is, that you have married out of the Nation.

The Commission is in possession of a sufficient statement of facts upon which a decision may be rendered and in your case it will not be necessary for you to appear at the appointment at Atoka beginning December 3rd, 1900.

The Commission will accept and consider any written arguments on questions of law submitted on behalf of the Choctaw Nation at any time prior to February 1st, 1901, and on your behalf at any time prior to March 1st, 1901.

As soon thereafter as practicable the Commission will consider and finally determine your right to enrollment and the decision of the Commission, stating fully its reasons for any action that may be taken, will be mailed to you.

Yours truly,

Tams Bixby

Acting Chairman.

7-D-318

Muskogee, Indian Territory, January 7, 1901.

Mrs. Mary R. Thompson,

Stonewall, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of December 20th in which you desire to be informed whether or not your case has been decided or if you appear on the list of doubtful claimants to citizenship in the Choctaw Nation.

You are informed that the Commission has not as yet rendered a decision in your case , but contemplates doing so in the near future when a copy of such decision stating fully therein the reason for any action that may be taken by the Commission, will be mailed to you. You appear upon the records of this Commission as listed for enrollment as a doubtful claimant to citizenship in the Choctaw nation.

Yours truly,

Tams Bixby.

Acting Chairman.

7-D-318

Muskogee, Indian Territory, March 1, 1901.

Mrs. Mary E. Thompson,

Stonewall, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 5th of February relative to your rights to enrollment as a citizen by blood of the Choctaw nation.

You state in your letter that if the reason that you have been placed on a doubtful card by the Commission is because of insufficient evidence that you are the widow of Ismael Folsom Robinson, a Choctaw by blood, that you can produce evidence establishing this fact and also that your name has been placed upon the roll of the Choctaw Nation and that you drew money at Atoka in the summer of 1899.

You are informed that the records of the Commission show that on August 14th, 1899, you made personal application to the Commission at Durant, Indian Territory for enrollment as a citizen by intermarriage of the Choctaw nation. At the time of such application the Commission heard your oral testimony and the testimony of Mary Roberts and W. A. Durant but did not feel justified at that time in enrolling you as a citizen by intermarriage of the Choctaw Nation and your name was accordingly placed upon the roll of doubtful claimants to citizenship in the Choctaw nation.

It appears from your testimony given at that time that you were married to I. F. Robinson on the 11th day of December, 1881

and lived with him until his death on April 25th, 1894. Subsequent to that time and in 1898 it appears that you were married to a white man having no rights to Choctaw citizenship by blood, at Decatur, Texas. There is not on file with the records of the Commission in the matter of your application for enrollment as a citizen by intermarriage of the Choctaw Nation, any evidence of your marriage to your Choctaw husband, I. F. Robinson and the Choctaw Nation is now protesting to your final enrollment as such Choctaw by intermarriage, claiming that you forfeitted your rights to citizenship in the Choctaw Nation by having "married out" as contemplated by the fifth section of the act of the National Council of the Choctaw Nation , of November 9th, 1875, which is as follows:

"Should any man or woman, a citizen of the United States or of any foreign country, become a citizen of the Choctaw Nation by intermarriage as herein provided, and be left a widow or widower, he or she shall continue to enjoy the rights of citizenship; unless he or she shall marry a white man or woman or person as the case may be, having no right of Choctaw citizenship by blood; in that case all his or her rights acquired under the provisions of this act shall cease."

If you should desire to offer any additional testimony in support of your application for enrollment as an intermarried citizen of the Choctaw Nation, the Commission will hear you or any witnesses you may desire to present to the Commission, at its office in Muskogee, at any time in the near future, provided that service of the taking of such testimony is first served upon the attorneys for the Choctaw Nation, Messrs Mansfield, McMurray & Cornish, South McAlester, Indian Territory.

The Commission has granted to the attorneys for the Choctaw Nation until April 1st, 1901, in which to file briefs and arguments in support of their contention in contested enrollment

M R T 3

and has allowed the applicants until May 15th, 1901 in which to file written arguments or briefs in reply.

After the submission of these briefs and arguments and as early as practicable, the Commission will take up for disposition the cases of doubtful claimants to citizenship in the Choctaw Nation and when a decision is reached in regard to your case, a copy of the same stating fully therein the reason for any action the Commission may take will be mailed to you at your present post-office address.

Yours truly,

Tams Bixby.

Acting Chairman.

7-D-318

Muskogee, Indian Territory, April 13, 1901.

Mrs. Mary E. Thompson,

Lehigh, Indian Territory,

Dear Madam:-

Receipt is hereby acknowledged of your letter of the 6th inst., stating that your present postoffice address is Lehigh, Indian Territory.

You request that you be informed as to what evidence of marriage the Commission desires you to supply and state that you were lawfully married to a Choctaw Indian and can furnish proof of that fact. You also request to be advised of the present status of your case.

Under date of January 7, 1901, you were informed by the Commission that it had not as yet rendered a decision in your case but that it contemplated doing so in the near future and that when such decision was rendered, a copy of the same, stating fully the reason for any action that might be taken by the Commission, in the matter, would be mailed to you at your last postoffice address.

You are informed that no decision has yet been rendered in your case. If you desire to offer further evidence in support of your case, the Commission will hear you and set a date therefor, upon receipt of written request for the same, at which time you will be allowed to produce such evidence of your marriage as you desire.

Yours truly,

Tams Bixby.

Acting Chairman.

T D-218

Muskogee, Indian Territory, May 8, 1901.

Mr. Alonzo F. West,
Attorney at Law,
Lehigh, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of April 25, 1901, requesting information relative to the application for enrollment as a citizen by marriage of the Choctaw Nation, of Mrs. Mary R. Thompson.

You are informed that the records of the Commission show that on August 14, 1900, Mary Thompson, 33 years old, whose post office address was given as Durant, Indian Territory, appeared before the Commission at Durant, Indian Territory, and made personal application for her enrollment as a citizen by intermarriage of the Choctaw Nation. At the time such application was made the Commission heard her oral testimony and the testimony of Mary Roberts and W. A. Durant, but did not feel justified at that time in enrolling her as a citizen by intermarriage of the Choctaw Nation, and her name was accordingly placed upon the roll of doubtful claimants to citizenship in the Choctaw Nation.

It appears from the testimony given at that time, that she was married to J. F. Robinson on the 17th day of Decem-

ber, 1881, and lived with him until his death, April 25, 1886. Subsequent to this time and in 1892, it appears that she was married to a white man, having no rights to Choctaw citizenship by blood, at Decatur, Texas. There is not on file with the records of the Commission in the matter of her application for enrollment as an intermarried citizen of the Choctaw Nation, any evidence of her marriage to her husband, E. P. Robinson, and the Choctaw Nation is now protesting to her final enrollment as a citizen by intermarriage, claiming that she forfeited her rights to citizenship in the Choctaw Nation by having "married out", as contemplated by the fifth section of the act of the National Council of the Choctaw Nation, of November 9, 1875, which is as follows:

"Should any man or woman, a citizen of the United States, or of any foreign country, become a citizen of the Choctaw Nation by intermarriage as herein provided, and be left a widow or widower, he or she shall continue to enjoy the rights of citizenship until he or she shall marry a white man or woman, or person, as the case may be, having no right of Choctaw citizenship by blood. In that case all his, or her, rights acquired under the provisions of this act shall cease."

It is the desire of Mrs. Mary Thompson to offer additional testimony in support of her application for enrollment as an intermarried citizen of the Choctaw Nation, the Commission will hear her, or any witnesses she may desire to present to the Commission, at its office in Muskogee, Indian Territory, on Monday, June 3, 1901, provided the request for such hearing be made to the Commission in time to serve proper notice of such hearing upon the attorneys for the Choctaw and

A.T.S.—K.

Whitehorse Hotel. If the date mentioned above does not suit your client, it is probable that another date can be arranged by agreement with the Secretary for the Chester and Whitehorse Patients.

The Commission cannot accept testimony taken by depositions except in cases where the persons whose testimony is desired, are physically unable to appear before the Commission at its sittings in Whitehorse, Yukon Territory.

It is believed by the Commission that the information contained herein will serve as a reply to your letter of the 4th instant, receipt of which is hereby acknowledged.

Yours truly,

Tanis Birby.

Acting Chairman.

7-1-41.

Muskogee, Indian Territory, May 9, 1901.

Mrs. Mary R. Thompson,

Lehigh, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 4th instant, stating that you shall not introduce further evidence in support of your application for enrollment as a citizen of the Choctaw Nation.

You are informed that your letter has been filed with the records of the Commission. You enclose certain papers relative to your marriage to T. F. Robinson, with the request that the same be returned to you. Your request will be complied with and the papers are herewith returned to you.

Yours truly,

Tams Bixby,

Acting Chairman.

1-1013

Dob—191.

Muskogee, Indian Territory, June 22, 1901.

Mrs. Mary R. Thompson,
Lehigh, Ind. Ter.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 17th instant, requesting to be advised whether or not the Commission has rendered a decision in the matter of your application for enrollment as a citizen of the Choctaw Nation.

On April 13, 1901, you were informed that the Commission had not as yet rendered a decision in your case, but that it contemplated doing so at an early a date as practicable, and that when a decision was rendered a copy of the same stating fully the reasons for any action that might be taken by the Commission in the matter, would be mailed to you at your last post office address.

You were also informed that if you desired to offer further evidence in support of your case, the Commission would hear you and set date for such hearing upon the receipt of a written request for the same.

No further action has yet been taken in the matter.

Yours truly,

T. B. Needles

Commissioner in charge.

Y E-218

Muskogee, Indian Territory, November 6, 1901.

Mrs. Mary R. Thompson,

Greenland, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of October 27, 1901, requesting that you be advised whether or not the Commission has rendered a decision in the matter of your application for enrollment as a citizen of the Choctaw Nation.

The Commission has not up to this time rendered a decision in the matter of your application for enrollment as a citizen of the Choctaw Nation but when a decision is rendered you will be notified of any action taken by the Commission.

Yours truly,

Tams Bixby.

Acting Chairman.

T-B-318

Chester D 818

Muskogee, Indian Territory, September 4, 1903.

Mrs. Mary R. Thompson,

Hickory, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of August 31, 1903, relative to your rights as an intermarried citizen of the Chocktaw Nation.

Replying to your inquiry you are advised that it appears from our records that Mary Thompson, 33 years of age, on August 14, 1899, made application to this Commission for enrollment as a citizen by intermarriage of the Chocktaw Nation.

As you do not give your age or any other information we are unable to advise you further in regard to this matter.

You are informed however, that no decision has yet been rendered in the case of Mary Thompson above referred to.

Yours truly,

Tams Bixby.

Acting Chairman.

Choctaw D 218

Muskogee, Indian Territory, November 20, 1902.

Mrs. Mary R. Thompson,

South McAlester, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 17th instant, in which you desire to be advised if you should again appear before the Commission.

In reply to your letter you are advised that on August 14, 1899, Mary Thompson, 33 years of age, the daughter of Jas. Crump and Caroline Crump, made application to this Commission for enrollment as an intermarried citizen of the Choctaw Nation.

You are further advised that on September 25, 1902, there was ratified by the citizens of the Choctaw and Chickasaw Nations, an agreement closing the rolls of the citizens of the Choctaw and Chickasaw Nations on that date.

The rolls as now being made by this Commission of the citizens of these two tribes will be as of September 25, 1902 and it is necessary that the Commission ascertain the status of all applicants for enrollment as intermarried citizens on the date of the final ratification of such agreement.

It will, therefore, be necessary that you personally present yourself before the Commission at one of the appointments

specified in the circular enclosed you herewith, in order that your status as an unmarried citizen of the Choctaw Nation on September 25, 1902, may be determined.

Respectfully,

Tams Bixby,

Acting Chairman.

Enc.circular

Choctaw 2 318

Muskogee, Indian Territory, January 22, 1906.

Mary [illegible]

Lehigh, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of January 15, in which you ask the status of your application for enrollment as an intermarried citizen of the Choctaw Nation.

In reply to your letter you are advised that it appears from our records that you have been listed among the doubtful claimants to enrollment as an intermarried citizen of the Choctaw Nation. No decision nor opinion has been rendered relative to your right to such enrollment, but as soon as a decision is reached you will be notified of the action of the Commission.

Respectfully,

Tams Bixby.

Acting Chairman.

Muskogee, Indian Territory, February 3, 1903.

Mary M. Thompson,

Lehigh, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of January 29, stating that you wrote the Commission some time ago relative to the status of your citizenship claim, and have received no reply thereto, and you request information in the matter.

In reply to your letter you are informed that on January 25, 1903, a letter was addressed to you from this office, giving full information as to the status of your application for enrollment as an intermarried citizen of the Choctaw Nation, and advising you that as soon as a decision was reached in your case you would be duly notified of the action of the Commission.

Respectfully,

Tams Bixby.

Acting Chairman.

Choctaw D 318

Muskogee, Indian Territory, April 17, 1903.

Mrs. Mary R. Thompson,
Coalgate, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your letter of April 12, asking whether your case has been decided, and if you will be permitted to file on your allotment. You also wish to know if you can take your allotment in either the Choctaw or Chickasaw nation.

In reply to your letter you are advised that it appears from our records that you have been listed among the doubtful claimants to enrollment in the Choctaw Nation as an intermarried citizen, and that your final right to such enrollment has not yet been determined.

Relative to filing on your allotment at this time, your attention is invited to rule one of the rules and regulations of the Commission governing the selection of allotments and designation of Homesteads, a copy of which is herewith inclosed you.

You are further advised that citizens of the Choctaw and Chickasaw nations may take their allotments in either nation.

As soon as a decision is reached in your case you will be notified of the action of the Commission.

Respectfully,

Tams Bixby.

Rules for allotment.

Chairman.

Y.B.618.

Muskogee, Indian Territory, May 15, 1903.

Mrs. Mary R. Thompson,
Joffa, Indian Territory.

Dear Madame:

Receipt is hereby acknowledged of your letter of May, 1903, in which you ask to be advised as to whether you will be allowed to file on your allotment.

In reply to your letter you are advised that it appears from our records that Mary Thompson has been listed by this Commission among the doubtful claimants to enrollment as a citizen by intermarriage, of the Choctaw Nation, but her final right to such enrollment has not yet been determined. As soon as a decision is reached in this case you will be notified of the action of the Commission.

Relative to the selection of allotment by you, your attention is invited to section 15 of the rules and regulations governing the selection of allotments and the designation of homesteads, a copy of which is herewith enclosed you.

Respectfully,

T.B. Needles

Commissioner in Charge.

Enc.
Rules for Allotment.

Choctaw 2 318

Muskogee, Indian Territory, May 20, 1903.

Mrs. Mary E. Thompson,
Tuttle, Indian Territory,
Dear Madam:

Receipt is hereby acknowledged of your letter of May 18th, in which you ask for the decision of the Commission in the matter of your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

In reply to your letter you are advised that it appears from our records that Mary Thompson has been listed among the doubtful claimants to enrollment as an intermarried citizen of the Choctaw Nation, but her final right to such enrollment has not yet been determined. As soon as a decision is reached in this case you will be notified.

Respectfully,

Tams Bixby

Chairman.

7- D 318

Muskogee, Indian Territory, November 28, 1903.

Mary E. Thompson,

Dale, Oklahoma.

Dear Madam:

Receipt is hereby acknowledged of your letter of November 15, asking the status of your enrollment as an intermarried citizen of the Choctaw Nation.

In reply to your letter you are informed that the Commission has not yet passed upon the application of Mary Thompson, daughter of James and Caroline Crump, for enrollment as an intermarried citizen of the Choctaw Nation.

If you are not the person referred to and will state your full name, your age, the names of your parents and any other information which will enable the Commission to identify you upon its records, the matter of your inquiry will receive further consideration.

Respectfully,

Tams Bixby.

Chairman.

Choctaw-D-518

Muskogee, Indian Territory, January 12, 1904.

Mrs. Mary R. Thompson,

Ada, Indian Territory,

Dear Madam:

Your letter of December 23, 1903, addressed to the Secretary of the Interior, has been by him referred to this Commission for consideration and appropriate action. You ask therein if your enrollment as an intermarried citizen of the Choctaw Nation has been approved, and state that you are the widow of Israel Robinson, a Choctaw by blood.

In reply to your letter you are informed that the Commission has not yet passed upon the application of Mary R. Thompson for enrollment as an intermarried citizen of the Choctaw Nation.

As soon as a decision is reached in this case, you will be notified of the action taken therein.

Respectfully,

Tams Bixby.

Chairman.

Choctaw D 318

Muskogee, Indian Territory, February 5, 1904.

Mrs. Mary R. Thompson,

Coalgate, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your letter of February 1, asking if decision has yet been rendered in your case.

In reply to your letter you are informed that the Commission has not yet passed upon your application for enrollment as an intermarried citizen of the Choctaw nation. As soon as a decision is rendered in your case you will be notified of such action as may be taken therein.

Respectfully,

T. B. Needles

Commissioner in Charge.

Choctaw D 218

Muskogee, Indian Territory, March 10, 1904.

Mrs. Mary E. Thompson,

Coalgate, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of March 8, asking the status of your enrollment as an intermarried citizen of the Choctaw Nation, and in reply you are advised that the Commission has not yet passed upon your application for enrollment as an intermarried citizen of the Choctaw Nation. As soon as a decision is reached in this case you will be notified of the action taken thereon.

Respectfully,

T. B. Needles

Commissioner in charge.

Chootaw D 316

Muskogee, Indian Territory, May 3, 1904.

Mrs. Mary R. Thompson,

Coalgate, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your letter of April 23, relative to the status of your application for enrollment as an intermarried citizen of the Chootaw Nation, and you are advised that as soon as a decision is reached in your case you will be notified.

Respectfully,

Tams Bixby.

Chairman.

Choctaw D 418

Muskogee, Indian Territory, May 18, 1904.

Galloway, Heflin & Threadgill,
Attorneys at Law,
Coalgate, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of May 7, asking the status of the application of Mary R. Thompson for enrollment as an intermarried citizen, and requesting to be informed if there are any doubtful issues in her case.

In reply to your letter you are informed that it appears from our records that the question involved in the application of Mary Thompson for enrollment as an intermarried citizen of the Choctaw Nation is the so-called "carrying out" question, and decision has not been rendered for the reason that a case involving this question is now pending before the Department for decision but the Commission has not been advised of Departmental action thereon.

In the event further evidence is necessary to enable the Commission to pass upon the rights of this applicant she will be notified.

Respectfully,

Tams Bixby.

as soon as a decision is rea

Choctaw-D-318.

Muskogee, Indian Territory, June 15, 1904.

Galloway, Hoflin & Threadkill,
Attorneys at Law,
Coalgate, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of June 2nd in which you state that you have received information that the "marrying out" question was decided by the Secretary of the Interior on May 21, 1904 favorably to the contestees. You further ask when the case of Mary R. Thompson, whose claim to enrollment was contested on the "marrying out" question, will be disposed of.

In reply to your letter, you are informed that the Commission is taking up for consideration and determination as rapidly as practicable all applications for enrollment as intermarried citizens of the Choctaw and Chickasaw Nations, and as soon as a decision is reached in the matter of the application of Mary Thompson for enrollment as an intermarried citizen of the Choctaw Nation you and the applicant will be notified of the action taken therein.

Respectfully,

Tams Bixby.

Chairman.

Choctaw D-518.

Muskogee, Indian Territory, July 30, 1904.

Mary E. Thompson,

Coalgate, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of July 24, in which you ask the status of your enrollment as an intermarried citizen of the Choctaw Nation.

In reply to your letter, you are informed that the Commission has not yet passed upon your application for enrollment as an intermarried citizen of the Choctaw Nation, but will, as early as practicable, take up the same for consideration and determination, and when a decision is reached in this case you will be notified of the action taken therein.

Respectfully,

T. B. Needles

Commissioner in Charge.

Choctaw D 818

Muskogee, Indian Territory, August 8, 1904.

Galloway, Heflin & Threadgill,
Attorneys at Law,
Coalgate, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of August 3, inquiring when you may expect a decision in the matter of the enrollment of Mary R. Thompson as an intermarried citizen of the Choctaw Nation.

In reply to your letter you are advised that as soon as a decision is reached in her case you will be notified of the action taken. You are further informed that while the Commission is passing upon all applications pending before it as rapidly as practicable, it is impracticable to give you any definite information as to when the case will be reached. It is believed, however, that decisions will be reached in all such cases within the near future.

Respectfully,

T. B. Needles

Commissioner in charge.

Y-Dawes

Muskogee, Indian Territory, October 13, 1904.

C. M. Threadgill,
Attorney at Law.
Coalgate, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of recent date requesting that a considerate answer be given your letter of September 30, 1904 asking for information relative to the status of the application for enrollment as an intermarried citizen of the Choctaw Nation of Mary R. Thompson, stating that your letter referred to Choctaw D 318.

You are advised that several persons by the name of Mary Thompson are applicants to this Commission for enrollment as citizens of the Choctaw Nation and if in your letter of September 30, 1904 reference had been made to the number of her application, the information sought would have been furnished you in our letter of October 4, 1904. You are now informed that the Commission has not yet passed upon the application for the enrollment of Mary Thompson, formerly the wife of Israel F. Robinson.

The applications of persons for enrollment as intermarried citizens of the Choctaw and Chickasaw Nations are being considered as rapidly as possible, and as soon as a decision is rendered

C. M. T. #7

In her name she will be duly notified of the action taken therein.

Respectfully,

T.B.Needles

Commissioner in Charge.

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BEALL,
Secretary.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

WHEN IN REPLY TO THIS REFER TO
7-D-318.

Muskogee, Indian Territory, October 13, 1904.

Mrs. Mary Thompson,

Coalgate, Indian Territory,

Dear Madam:-

In regard to your application for enrollment as a citizen by intermarriage of the Choctaw Nation, you are informed that the Commission is unable to identify your former husband Israel Folsom Robinson, through whom you claim, as a citizen by blood of the Choctaw Nation. His name does not appear upon any of the tribal rolls in the possession of the Commission.

Before your application can be finally passed upon it will be necessary for you to furnish the Commission with satisfactory evidence that said Israel Folsom Robinson was a citizen by blood of the Choctaw Nation.

You will please give this matter your prompt attention as until the desired information is furnished, no further action can be taken upon your application.

Respectfully,

Commissioner in Charge.

7-D-316.

Muskogee, Indian Territory, October 13, 1904.

Mrs. Mary Thompson,
Coalgate, Indian Territory,

Dear Madam:-

In regard to your application for enrollment as a citizen by intermarriage of the Choctaw Nation, you are informed that the Commission is unable to identify your former husband Israel Folsom Robinson, through whom you claim, as a citizen by blood of the Choctaw Nation. His name does not appear upon any of the tribal rolls in the possession of the Commission.

Before your application can be finally passed upon, it will be necessary for you to furnish the Commission with satisfactory evidence that said Israel Folsom Robinson was a citizen by blood of the Choctaw Nation.

You will please give this matter your prompt attention as until the desired information is furnished, no further action can be taken upon your application.

Respectfully,

T. B. Needles

Commissioner in Charge.

Choctaw D 318

Muskogee, Indian Territory, November 30, 1904.

Mary R. Thompson,

Ada, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your letter of November 27 asking for an early decision in the matter of your application for enrollment as an intermarried citizen of the Choctaw Nation.

In reply you are advised that on October 13, 1904, a letter was addressed to you at Coalgate, Indian Territory, your latest known post office address, in which you were informed that the Commission was unable to identify your former husband, Israel Folsom Robinson, as a citizen by blood of the Choctaw Nation, and that before your case could be finally passed upon it would be necessary for you to furnish satisfactory evidence that he was a citizen by blood of the Choctaw Nation. This letter was returned unclaimed. The matter of furnishing the evidence requested should receive your immediate attention.

Respectfully,

T. B. Needles

Commissioner in Charge.

Y-D-218

Ada, Ind. Ter. December 8, 1904.

Hon. Dawes Commission.

Dear Sir: After writing your office at Muskogee and poring over the 1893 pay roll of the Choctaws it reveals to me the great rong dun me in order to draw money it seams thir that Calven Robinson my Fatherinlaw put my name down on that roll as Minnie B. Robinson as a Choctaw or rather a Indian by blood. He did that so he could draw money for me that roll all So Shows that he put my husbands name down as G. F. Robinson he never had a Son by that name. it is I. F. Robinson that was my husband he was dead at that time he Died April the 25, 1886. I am best known by the name of Minnie, but my Bible name is Mary R. Crump. Stella B. Robinson is my owen child. She was all so dead at the time he drawd that money. She was born the 12 day of January 1883. She died in 1887 Maud M. Robinson was my owen dear Baby. She was also Dead at that time. She was born May the 1885 she died December the 27 1890 he all So drawed money for Ewing Robinson he was all So Dead, he died one year after my husband with consumption, His wright name was Thomas Ewing Robinson. I never knew he drawed that money now am the Records shoe that he died if I understand it right have writen this letter to shoe you what I believe as I am So anxious for you to know the truth and nothing But the truth so help me God. I will give you a list of Calven Robinsons first children and all of them ther names is as folowes Laura Robinson, McKee F. Robinson, I. F. Robinson, Coresma Robinson, Thomas Ewing Robinson, Margret Robinson, Sub or Calven Robinson these are all

the children he had by his first marriage to Bessie Robinson. He only has one child living now by his last wife, Ella Robinson his name is Marion Clarence Robinson. I beg of you to give me your decision as earlier as you can as I want a home and it is my duty due me you will accept my many thanks for your kindness.

Yours truly,

Mrs. Mary Thompson, Ada, Ind. Ter.

Choctaw D 518

Muskogee, Indian Territory, December 16, 1904.

Mrs. Mary E. Thompson,

Ada, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your letter of December 3, relative to evidence in support of your application for enrollment as an intermarried citizen of the Choctaw nation, and you are advised that since the date of your latter personal appearance was made by you and your case is now receiving the consideration of the Commission. When a decision is reached you will be notified of the action taken therein.

Respectfully,

Tams Bixby.

Chairman.

7-D-519

Muskogee, Indian Territory, December 12, 1904.

Mary E. Thompson,

Ada, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of December 8, 1904, giving information relative to your right to enrollment as an intermarried citizen of the Choctaw Nation, and the same has been made a part of the record in your case.

Respectfully,

Tams Bixby.

Chairman.

Choctaw D 218

Muskogee, Indian Territory, December 23, 1904.

Mrs. Mary R. Thompson,
Ada, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your letter of December 19, asking that your case be decided at once and in reply thereto you are advised that on December 15, 1904, the Commission rendered its decision granting your application for enrollment as an intermarried citizen of the Choctaw Nation, and notice thereof was forwarded you at Ada, Indian Territory, on that date.

Respectfully,

Tams Bixby.

Chairman.

Choctaw D 816

Muskogee, Indian Territory, January 6, 1905.

Galloway, Heflin & Threadgill,
Attorneys at Law,
Coalgate, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of December 29, 1904, inquiring as to why you were not recognized as attorneys of Mary R. Thompson of Coalgate, Indian Territory, in the matter of her application for enrollment as a citizen by intermarriage of the Choctaw Nation and especially the reason for the failure of the Commission to notify you on October 13, 1904, relative to the evidence required from Mary R. Thompson in establishing her claim as an intermarried citizen of the Choctaw Nation.

You state that you have been duly admitted to practice as attorneys before the Commission in accordance with the rules prescribed by the Department for that purpose; that you have had considerable correspondence with reference to the claim of Mary R. Thompson and see no reason why the Commission should have ignored you in the notice of October 13.

You further state that Mrs. Thompson has removed from Coalgate but has entrusted the matter of her claim to you believing that

you would fully protect her interests.

In replying to your letter I must state that I believe you have been accorded all the privileges and courtesies due you as attorneys admitted to practice before the Commission to the Five Civilized Tribes consistent with the conduct of the business of the Commission. Your complaint is seemingly an unwarranted one, inasmuch as our records show that you have promptly been notified of any action taken by the Commission in reference to the enrollment of Mary Thompson as a citizen by intermarriage of the Choctaw Nation.

Mary Thompson first appeared before the Commission as an applicant for enrollment as a citizen by intermarriage of the Choctaw Nation at Durant, Indian Territory, on August 14, 1899. She was not at that time, nor has she subsequently, upon the occasions of her several personal appearances before the Commission, been accompanied by any attorney. From the time of the submission of her application on August 14, 1899, she addressed numerous communications to the Commission in reference to her right to enrollment as a citizen by intermarriage of the Choctaw Nation, in none of which was any reference made by her as to the employment of any attorneys to represent her. On April 23, 1901, Alonzo T. West, an attorney at Lehigh, Indian Territory, addressed a communication to the Commission in reference to her right to enrollment which was promptly replied to by the Commission. From that date until May 7, 1904, there was an exchange of some thirty letters between the Commission and Mrs. Thompson in reference to her right to enrollment but in none of her communications

addressed to the Commission did she at any time signify that she had employed any attorneys or firms to represent her interests.

The first correspondence that the Commission received from you relative to this matter was your letter of May 7, 1904, in which you merely asked to be advised as to the then present status of Mrs. Thompson in her application for enrollment as an intermarried citizen of the Choctaw Nation and if there were any doubtful issues in her case. This letter was replied to on May 13, 1904, and again on June 15, 1904, in reply to your letter of June 3, 1904, you were advised that the Commission was taking up for consideration and determination as rapidly as practicable all applications for enrollment in the Choctaw and Chickasaw Nations.

On August 6, 1904, in reply to your inquiry of August 3, 1904, you were informed, in reference to the application for the enrollment of Mary Thompson, that it was impracticable to give you any definite information as to when the case would be disposed of by the Commission but that all such applications were being passed on as rapidly as practicable. Again on October 18, 1904, your Mr. Threadgill was advised that when any action was taken upon the application of Mrs Thompson she would be duly informed thereof.

The Commission has extended to you the courtesy of furnishing you such information as you have requested in your several communications above referred to, and would have furnished the same information to any other attorney admitted to practice who had applied

G R & T 4

therefor. The fact that you may have addressed communications to the Commission in reference to the right to enrollment of any citizen of the Choctaw Nation would not warrant the Commission in recognizing you alone as authorized to act in behalf of such applicant.

The Commission to the Five Civilized Tribes is directed and authorized by law to prepare correct rolls of the citizens of the Five Civilized Tribes of Indian Territory. The classes of persons whose names are to be placed upon said rolls are defined by the several acts of Congress and agreements made by the Commission to the Five Civilized Tribes with the various tribes. The manner in which said rolls are to be prepared is left largely to the discretion of the Commission and it has not been deemed advisable to require that applicants be represented in the presentation of their claims by attorneys.

Mrs. Thompson would have been heard at any time upon her voluntary appearance before the Commission and she was so heard at the time of the submission of her application on August 14,1906 at Durant, Indian Territory, and subsequently, on December 22, 1907, at South McAlester and on December 5, 1908, at Muskogee, Indian Territory. It has been the policy of the Commission, where additional testimony was required in order to make proper disposition of the claim of an applicant, to deal directly with the claimant and notify him or her of such additional evidence as was necessary, the employment and the representation by attorneys being left entirely to their

discretion.

When on December 15, 1904, the Commission rendered a decision enrolling Mary Thompson as a citizen by intermarriage of the Choctaw Nation, you were notified of such action, by registered mail, inasmuch as it was believed you might have some interest in the matter, as reflected by your several former communications in reference thereto.

I can see no objection, if you are so inclined, in reporting the alleged dereliction on the part of the Commission, if, in consequence thereof, the rights of Mrs. Thompson have in any manner been jeopardized.

In reference to your inquiry concerning Choctaw allotment contest case Number 122 the same will be made the subject of a separate communication.

Respectfully,

Tams Bixby.

Chairman.

Choctaw D 318

Muskogee, Indian Territory, January 23, 1903.

Mrs. Mary Thompson,

Ada, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your letter of January 19, asking if you have been approved by the Secretary of the Interior.

In reply to your letter you are advised that your name has not yet been placed upon a schedule of intermarried citizens of the Choctaw Nation prepared for forwarding to the Secretary of the Interior and your enrollment has not yet been approved by him. Your name will, however, be placed upon the next schedule of intermarried citizens of said nation so prepared and forwarded, as no protest to your enrollment has been filed by the attorneys for the Choctaw and Chickasaw Nations.

Respectfully,

Tams Bixby.

Chairman.

7-3885

Muskogee, Indian Territory, March 4, 1905.

Mrs. Mary Thompson,

Ada, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of March 1, 1905, asking the status of your enrollment as an intermarried citizen of the Choctaw Nation.

In reply to your letter you are informed that your name has been placed upon a schedule of intermarried citizens of the Choctaw Nation which has been forwarded the Secretary of the Interior, but the Commission has not yet been advised of Departmental action thereon. You will be notified when your enrollment is approved by the Secretary of the Interior.

The matter of the land referred to in your letter will be made the subject of another communication.

Respectfully,

Commissioner in Charge.

Chac 5886 George W. Henderson

Trans from Chac #1944 Jan 25/1905

5886

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

--oOo--

Record in the matter of the application of George W. Henderson for enrollment as an intermarried citizen of the Choctaw Nation.

7-1904.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
SOUTH McAlester, I.T. Dec.23, 1902.

7-1904

In the matter of the application of George W. Henderson for enrollment as an inter married citizen of the Choctaw Nation.

George W. Henderson being sworn testified as follows:

Examination by the Commission:

Q What is your name? A George W. Henderson.
Q How old are you? A Thirty seven.
Q What is your post office address? A Kiowa.
Q How long have you lived in the Choctaw Nation? A I have been living in the Choctaw Nation 18 years.
Q Lived here continuously for the past 18 years? A Yes sir.
Q Where was you born? A In Kentucky.
Q Are you a citizen of the United States? A I was born a citizen of the United States, yes sir.
Q Are you a white man? A Yes sir, claim to be a white man.
Q Are you making application to be enrolled as an inter married citizen of the Choctaw Nation? A Yes sir.
Q What is the name of your Choctaw wife? A Hattie Hewitt.
Q Is she a citizen of the Choctaw Nation? A Yes sir.
Q Always recognized as such by the Choctaw tribal authorities? A Yes sir.
Q When was you married to her? A I believe July 6, 1897.
Q Prior to your marriage to this woman had you not made application to the Dawes Commission to be admitted as a citizen by blood of the Choctaw Nation? A Yes sir.
Q Did the Dawes Commission admit you or reject you? A They rejected.
Q Did you appeal from that decision? A Yes sir.
Q At the time that you made that application and perfected that appeal you claimed to be a Choctaw by blood? A Yes sir.
Q You made that claim that you were a Choctaw by blood? A Yes sir.
Q You was admitted by judgment of the United States Court as a citizen by blood of the Choctaw Nation? A Yes sir.
Q Claiming to be possessed of Choctaw blood? A Yes sir.
Q You say you was married to this woman in 1897? A Yes sir.
Q Were you ever marriedbefore that? A No sir.
Q Was she ever married before that? A No sir.
Q Were you married according to the tribal laws? A Yes sir, Judge Bond, County Judge of the Choctaw Nation.
Q Married under Choctaw license? A Yes sir.
Q How much did you pay for that license? A $100.00
Q Where is that license? A In the hands of the Dawes Commission; I gave them to the Dawes Commission in May, 1899.
Q Is Hattie Hewitt now living? A No sir.
Q When did she die? A January 31, 1900.
Q Did you live with her up to the time of her death? A Yes sir.
Q There was no separation, abandonment or divorce? A No sir.

Q You say that you obtained this tribal license to marry this woman in 1897? A Yes sir.

Q At that time you had an application pending in the United States Court in which you swore that you were a Choctaw Indian? A Yes sir.

Q Did the Choctaw tribal authorities require you to make oath that you were a citizen of the United States in order to obtain a license? A Yes sir.

Q At the same time you were claiming in the United States Court that you were a citizen of the Choctaw Nation? A Yes sir.

Q How do you reconcile these statements? A I claimed I was a citizen of the United States- which I was.

Q That was before the Choctaw tribal authorities? A I was nothing else;I never was a citizen of the Choctaw Nation till after the bill of the Court; then I became a citizen of the Choctaw Nation by the Court.

Q What's your opinion? A I suppose so,that's what Mr.McKennon says.

Henry G. Haines being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case on December 23, 1902, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Haines

Subscribed and sworn to before me this 6 day of January, 1903.

Charles Hebberger

Notary Public.

Choctaw Nation

Jackson Co.

On this day personally appeared Before me the undersigned authority G. W. Henderson who having Been by me First duly Sworn according to Law States on his oath that he will Always defend and Submit to the laws and Constitution of the Choctaw Nation and will neither Claim nor Seek from the United States Government or from the judicial tribunals thereof any protection privileges or redress incompatible with the Same as guaranteed to the Choctaw Nation by the treaty Stipulations entered into Between them to which Being his helper And that he has no living Wife from whom he has not Been Divorced G. W. Henderson

Sworn to and Subscribed Before me this 5th day of July 1897

C. D. Moore

Clerk

J. N. C. C.

MARRIAGE LICENSE.

Choctaw Nation, } ss. To any person authorized by law to solemnize marriages—
Jacks Fork County. } Greeting:

You are hereby commanded to solemnize the Rite and publish the Banns of Matrimony between Mr. G H Henderson *of* ~~Cherokee Nation, in the~~ ....., *aged* 31 *years, a citizen of the* United States ..... *and* Miss Hattie Hewitt *of* ....., *a citizen of the* ~~Cherokee Nation in the~~ ....., *aged* 18 *years, according to law, and do you officially sign and return this license to the parties therein named.*

Witness my hand and official seal, this 5 *day of* July *A. D., 189*7

C O Moore
Clerk of the County Court.

By Jacks Fork Co. Deputy.

CERTIFICATE OF MARRIAGE.

Choctaw Nation, } ss. I, J H Bond
Jacks Fork County. } Judge of the Co. Ct of Jacks Fork

Do hereby certify, that on the 6th *day of* July *, A. D., 189*7 *, I did duly, and according to law, as commanded in the foregoing license, solemnize the Rite and publish the Banns of Matrimony between the parties therin named.*

Witness my hand this 6th *day of* July *, A. D., 189*7

J H Bond
County Judge.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
NOV 9 1904
CHAIRMAN.

D. S. KENNEDY.

DRY GOODS
GROCERIES
AND NOTIONS

KENNEDY BROTHERS,

DEALERS IN

GENERAL
MERCHANDISE

HIGHEST MARKET PRICE PAID FOR
FURS AND HIDES

F. W. KENNEDY.

HATS CAPS
BOOTS
AND SHOES

STRINGTOWN, I. T., _____ 190__

Ind. Ter.
Central Judicial Distr.

Personally came before me a Notary Public in and for the Central Judicial District, Ind. Ter, George W. Henderson who being duly sworn declareas follows.
That his wife Hattie Hendersonn died Jan 31st 1900 and that he has not remanied since the death of his wife. Hattie Henderson

George W. Hendersonn

Subscribed and sworn to before me this 8th day Nov. 1904

D. S. Kennedy
Notary Public

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

NOV 23 1904

Chairman.

D. S. KENNEDY.

DRY GOODS

GROCERIES

AND NOTIONS

KENNEDY BROTHERS,

DEALERS IN

GENERAL

MERCHANDISE

HIGHEST MARKET PRICE PAID FOR

FURS AND HIDES

J. W. KENNEDY.

HATS CAPS

BOOTS

AND SHOES

STRINGTOWN, I. T., _____ 190__

Ind. Ter.
Central Judicial District }

Personally Came before me a Notary Public in and for the Central Judicial ~~District~~ Ind. Ter, Geo. W. Henderson Who being duly sworn declares as follows.

That at the time of his marriage to Hattie Hewitt on July 1897. said Hattie Hewitt was a resident of the Choctaw Nation Ind. Ter. And resided near Tuttle, I.T.

Geo. W. Henderson

Subscribed and sworn to before me this 21st day Nov. 1904.

D. S. Kennedy
Notary Public

F.P.B.
D&D

7-1904.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of George W. Henderson for enrollment as an intermarried citizen of the Choctaw Nation.

D E C I S I O N.

It appears from the record herein and from the records in the possession of the Commission that, on September 9, 1896, in the case entitled "Mrs. Nancy Henderson vs. Choctaw Nation" (1896 Choctaw Citizenship Docket, case number 425), the applicant herein, under the name of George Henderson, made original application to the Commission, under the provisions of the act of Congress approved June 10, 1896 (29 Stat., 321), for admission to citizenship in the Choctaw Nation as a citizen by blood, and, on December 2, 1896, the Commission rendered its decision, denying the applicant citizenship in the Choctaw Nation as a citizen by blood. From this decision of the Commission an appeal was taken to the United States Court for the Central District of the Indian Territory, (Court case number 44, entitled "Nancy Henderson vs. Choctaw Nation"), which Court, on January 18, 1898, entered of record a judgment reversing the decision of the Commission, and ordered that George Henderson be enrolled as a citizen by blood of the Choctaw Nation. The said judgment of the said United States Court was vacated and set aside, on December 17, 1902, by decree of the Choctaw and Chickasaw Citizenship Court, and said cause was duly certified to said Choctaw and Chickasaw Citizenship Court, as provided in the act of Congress approved July 1, 1902 (32 Stat., 641); and on April 30, 1904, in citizenship case number 112 on its South McAlester Docket, said Choctaw and Chickasaw Citizenship Court entered of record a judgment, decreeing that George Henderson was not entitled to enrollment as a citizen by blood of the Choctaw Nation.

It further appears from the record herein that, on July 6, 1897, the applicant, George W. Henderson, was married, in accordance with the laws, customs, and usages of the Choctaw Nation, to Hattie Henderson (nee Hewett), a recognized and enrolled citizen by blood of the Choctaw Nation, who is identified upon the 1885 Choctaw Census Roll, Jacks Fork County, number

369, upon the 1893 Choctaw Leased District Payment Roll, Jacks Fork County, number 363, and also upon the 1896 Choctaw Census Roll, Jacks Fork County, number 6096, enrolled thereon as a citizen by blood of the Choctaw Nation; that at the time of said marriage both persons above named were residents in good faith of the Choctaw Nation; that they lived together continuously as husband and wife, in said Nation, from the date of their marriage until the death of the said Hattie Henderson, on January 31, 1900; and that the applicant herein was a resident in good faith of the Choctaw Nation from the date of his marriage to the said Hattie Henderson up to and including September 25, 1902, and did not remarry.

It is the opinion of this Commission that the denial of the applicant herein, as a citizen by blood of the Choctaw Nation, does not affect his rights as a citizen by intermarriage thereof.

It is further the opinion of this Commission that George W. Henderson should be enrolled as a citizen by intermarriage of the Choctaw Nation, in accordance with the provisions of the acts of Congress approved June 28, 1898 (30 Stat., 495) and July 1, 1902 (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

JAN 9 - 1905

COPY. Choctaw 1904.

Muskogee, Indian Territory, January 9, 1906.

George W. Henderson,
Stringtown, Indian Territory.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered January 9, 1905, granting your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of the decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling you as a citizen of the Choctaw Nation. If at the expiration of that time, no protest has been filed, your name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Tams Bixby

Chairman.

Registered.
Encl. 7-1904.

Chester 1904.

COPY.

Muskogee, Indian Territory, January 9, 1905.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of this Commission rendered January 9, 1905, granting the application of George W. Henderson for enrollment as a citizen by intermarriage of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If at the expiration of said time no protest has been filed, his name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED.

Tams Bixby

Chairman.

Registered.

Mkg. 7-1904.

See Chester 2220 for receipt my receipts for this letter.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
ATOKA, INDIAN TERRITORY, DECEMBER 11, 1900.

In the matter of the application of George W. Henderson to be stricken from the roll of the Choctaw Nation as an intermarried citizen.

George W. Henderson, having been first duly sworn, on his oath states as follows:

Examined by Acting Chairman, Tams Bixby.

Q What is your name? A George W. Henderson.
Q How old are you? A Thirty five.
Q What is your post office? A Tuskahoma.
Q Do you live at Tuskahoma? A No sir
Q Do you live near there? A Twenty miles.
Q How long have you lived in the Choctaw Nation? A Fourteen years
Q You have been married have you? A Yes sir.
Q Who did you marry? A Hattie Hewitt.
Q Was she a Choctaw? A Yes sir.
Q Recognizedby the Choctaw authorities as a Choctaw Indian? A Yes sir
Q She is now dead I believe? A Yes sir.
Q When did she die? A On the 31st day of last January
Q The 31st day of January, 1900? A Yes sir.
Q On May 22, 1899 did you appear before the Dawes Commission at Tuskahoma? A Yes sir, I appeared in 1899.
Q Did you then apply for enrollment as an intermarried citizen of the Choctaw Nation? A Yes sir.
Q You applied to the Commission for enrollment as an intermarried citizen because of the fact that you were then married to Hattie Henderson, nee Hewitt, a Choctaw Indian by blood? A Yes sir.
Q Did you make any statement to the Commission at that time?
A No sir; not any further than just a common statement.
Q You were under oath? A Yes sir.
Q You desire now to have the Commission cancel your enrollment as an intermarried citizen? A I just want to be enrolled as a citizen by blood.
Q You don't expect to be enrolled twice do you? A No sir.
Q Do you want to withdraw your application for enrollment as an intermarried citizen? A Yes sir.
Q You stated at the time of your appearance on May 22nd, '99, that you were a white man? A Sir?
Q Did you state to the Commission at the time of your appearance on May 22nd, '99, that you were a white man? A No sir, the judgment was already passed.
Q On what theory, then, did you then apply to the Commission for enrollment as an intermarried citizen? A Saved me the trouble of applying again; didn't have certified copy of the judgment.
Q Were you not a Choctaw Indian at that time? A No, white man, didn't have the judgment of the court.
Mr. Cornish, attorney for Choctaw Nation: Q You are a Choctaw Indian are you? A Yes sir.

Statement by Mr/ Cornish:

The contention of the Choctaw and Chickasaw Nations in this case that this applicant is not entitled in any event to be enrolled as an intermarried citizen by reason of the fact that it appears from his statement under that he is a Choctaw Indian by blood and is not such a person as can acquire citizenship by marriage under the laws and treaties.

In the matter of the application of George W. Henderson for enrollment as a citizen by blood of the Choctaw Nation, under judgment of the United States Court in Indian Territory.
Henderson-2

Commission:

Q Now you wish to make application for enrollment under the judgment? What is your name? A George W. Henderson.
Q How old are you? A Thirty five.
Q What is your post office address? A Tuskahoma.
Q How many years have you been living in the Choctaw Nation?
A Fourteen.
Q Have you been living in the Choctaw Nation continuously during the past three years? A Yes sir.
Q Have you been outside for any purpose? A In the past three years, no sir.
Q What is your father's name? A Bailey P Henderson.
Q Is he living or dead? A He is living.
Q He is a Choctaw Indian? A No sir, doesn't claim.
Q White man? A Yes sir.
Q What is the name of your mother? A Nancy Henderson.
Q Is she living? A Yes sir.
Q Is she a Choctaw Indian? A Yes sir.
Q How long since she became a Choctaw Indian? A Since she was born. You mean became recognized?
Q I just asked you how long since she became a Choctaw Indian?
A What is the date of this judgment? A The 18th day of January 1898
A Well that is when she became a Choctaw Indian.
Q Well, what was she before that? A Sir?
Q What was she before the 18th day of January 1898? A She was always a white woman; claimed to be a Choctaw but never established the fact, that is never got judgment.
Q You claim enrollment by virtue of a judgment of the United States Court in Indian Territory, Central District, A Yes sir
Q Did you apply to the Dawes Commission in 1896? A Yes sir, applied to the Choctaw Council first.
Q What did the Choctaw Council do with your case? A Never come to trial.
Q Then you applied to the Dawes Commission? A Yes sir.
Q When did you apply to the Choctaw Council? A In 1892.
Q They never took any action? A No sir.
Q Didn't the Council reject you? A No sir.
Q The Dawes Commission rejected your claim? A Yes sir.
Q You thereupon took an appeal to the United States Court? A Yes sir.

Applisant offers in evidence a copy of the order of court, 18th day of January, 1898, cause Nancy Henderson vs Choctaw Nation, cause nnumber 44, judgment.

Q The case in which your right for citizenship was adjudicated was entitled Nancy Henderson vs the Choctaw Nation was it? A Yes sir.
Q Are you the identical person named in this judgment as George Henderson? A Yes sir.
Q Are you married? A No sir.
Q Have no children? A Have no children.

Anna Bell, having been first duly sworn, on her oath states that as stenographer to the Commission to the five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 11th day of December, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes in said cause on said date.

Anna Bell

Subscribed and sworn to before me this 29 day of December, 1900.

Guy L. V. Emerson
Notary Public.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
ATOKA, INDIAN TERRITORY, DECEMBER 11, 1900.

Choctaw 1904.

In the matter of the death of Hattie Henderson.

George W. Henderson, having been first duly sworn and examined by Acting Chairman, Tams Bixby, testifies as follows:

Q What is your name? A George W.Henderson.
Q How old are you? A Thirty five.
Q What is your post office address? A Tuskahoma.
Q You live in Indian Territory? A Yes sir.
Q How long have you lived in Indian Territory? A About fourteen years
Q Were you admitted to citizenship in the Choctaw Nation as an intermarried citizen by the judgment of the UnitedStates Court?
A No sir.
Q Did you ever apply to the Dawes Commission for citizenship by blood
A Yes sir.
Q Were you admitted or rejected? A Rejected by Dawes Commission.
Q Did you appeal that cause to the United States Court? A Yes sir.
Q Were you admitted by the United States Court? A Yes sir.
Q As a citizen by blood? A Yes sir. I have a judgment of the court with me.
Q What was your wife's name? A Hattie Hewitt before I married her.
Q Her father's name? A J. C. Hewitt.
Q Her mother's name? A Edna.
Q She was Choctaw Indian? A Yes sir.
Q Living or dead? A Dead.
Q When did she die? A The thirty first day of last January.
Q You were present at the funeral were you? A Yes sir.
Q Saw her buried? A Yes sir.
Q Did you have any children by your wife Hattie? A Yes sir.
Q How many? A Two.
Q Are either of them dead? A Both.
Q What was the name of the eldest? A Edna; Nancy Edna.
Q How old was Nancy Edna at the time of death? A One year and one day old.
Q When did she die? A August 7th.
Q What year? A '99.
Q Were you present at the funeral and saw her buried? A Yes sir.
Q What was the name of the second child? A Never named; never give it no name; not registered; never made no application; didn't live but twenty eight days.

Anna Bell, having been first duly sworn, on her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 11th day of December, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes in said cause on said date.

Anna Bell

Subscribed and sworn to before me this 24 day of December, 1900.

Guy L. E. Emerson
Notary Public.

Form No. 29.

COPY OF ORDER OF COURT.

United States of America,
INDIAN TERRITORY,
Central DISTRICT. } ss:

IN THE UNITED STATES COURT in the Indian Territory, Central District, at a term thereof begun and held at South McAlester, in the Indian Territory, on the 18th, day of January, A. D. 1898; Present, the Honorable Wm. H. H. Clayton, Judge of said Court.

The following order was made and entered of record, to wit:

Nancy Henderson
vs. No44 Judgment
Choctaw Nation

Now on this the 18th, day of January A. D. 1898 in and during the September A. D. 1897 adjourned term came on this cause to be heard in open Court, upon the Special Masters report herein, the plaintiffs being present by their attorney, W. C. Richards, and the defendants by their attorneys, Stuart, Gordon and Bailey, and it appearing that this cause was duly submitted to a Special Master in Chancery for his report on the evidence submitted by the plaintiffs, and that said Master in Chancery on the 11th day of October A. D. 1897, duly returned his said report thereon, which was filed in this court on the same day and there being no exceptions thereto, and the court being fully advised, and said report showing, that from the evidence submitted this cause was duly filed before the Dawes Commission, and the plaintiff's appeal duly taken to this court, and that the plaintiff Nancy Henderson is a Choctaw Indian of 1/4 Choctaw Indian blood and her children, Henry Henderson, George Henderson, David Henderson, Mattie Beck, nee Henderson, Samuel Henderson, Mary McBride, nee Henderson, John Henderson, Adam Henderson, Nettie Henderson and Sarah Henderson are Choctaw Indians of 1/8 Choctaw Indian blood, and that all of said Claimants, are now, and were at the time, of filing their original petition residents of the Choctaw Nation.

Now therefore, it is thereupon, hereby ordered, adjudged and decreed that the said Nancy Henderson and her children, Henry Henderson, George Henderson, David Henderson, Mattie Beck nee Henderson, Samuel Henderson, Mary McBride nee Henderson, John Henderson, Adam Henderson, Nettie Henderson, and Sarah Henderson are Choctaw Indians by blood residents of the Choctaw Nation and as such entitled to be enrolled

1-98

Form No. 84.

COPY OF ORDER OF COURT.

United States of America,
INDIAN TERRITORY,
..... DISTRICT. } ss:

IN THE UNITED STATES COURT in the Indian Territory, ... District, at a term thereof begun and held at ....., in the Indian Territory, on the ..... day of ....., A. D. 189 ;

Present, the Honorable ....., Judge of said Court.

The following order was made and entered of record, to wit:

as citizens of the Choctaw Nation by blood, and as such, entitled to all the rights privileges and immunities thereof and it is further ordered adjudged and decreed that the Commission to the Five Civilized Tribes enroll them the said applicants as citizens of the Choctaw Nation, by blood, Choctaw Indians.

United States of America,
INDIAN TERRITORY,
Central DISTRICT. } ss:

I, E. J. Dunn, Clerk of the District Court of the United States for the Central District of the Indian Territory, do hereby certify the foregoing to be a true copy of an order made by said Court on the 18 day of January, 1898, as appears from the records of said Court now on file in my office. And that the same has not been changed or modified.

IN TESTIMONY WHEREOF, I have hereunto set my hand, at my office in Ft McCalmt, in said District, this 20 day of June, A. D. 1899

[redacted]

E. J. Dunn, Clerk,

By ....., Deputy.

No. _____

versus

COPY OF ORDER OF COURT.

_____, *Clerk,*

By _____, *Deputy.*

1—846

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
DEC 11 1900



ACTING CHAIRMAN.

Muskogee, Indian territory, February 28, 1901.

Mansfield, McMurray & Cornish,

Attorneys at Law,

South McAlester, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 20th instant in which you desire to be informed if George W. Henderson is listed for enrollment as a citizen by intermarriage of the Choctaw or Chickasaw Nations and if so, the name of the Indian woman through whom he claims such right, the manner in which he complied with the tribal laws in so marrying her, the date and place of his appearance before the Commission and the number of the card upon which his name appears.

Replying to your letter you are informed that the records of the Commission show that George W. Henderson, 33 years of age, of Tushkahomma, Indian Territory, was on May 22nd, 1899, listed for enrollment as an intermarried citizen of the Choctaw Nation. That he was married to Miss Mattie Hewitt, a citizen by blood of the Choctaw Nation under license issued by C. D. Moore, Clerk of the County Court of Jack Fork County, Choctaw Nation on the 6th day of July, 1897. Such license is on file with the records of the Commission and also the certificate of J. H. Bond, County Judge of Jack Fork County, Choctaw Nation, as to the marriage of G. W. Henderson, a citizen of the United States and Miss Mattie Hewitt, a citizen of the Choctaw Nation, on July 6th, 1897.

M May 6 1904

The records [illegible] the Seventh Legislature and
[illegible] as citizens by the [illegible] as citizens of Creek
[illegible] by a treaty of the [illegible] for the several tribes
of the Indian Territory, [illegible] approved [illegible]
[illegible] on January [illegible]

On December 14th, [illegible] to Honorable [illegible] applica-
tion to the Commissioner of Indian Affairs, Washington, D. C. to have the
name Arthur Brewster Reid [illegible] citizens of the Creek
Nation and to be enrolled as a citizen by blood thereof. The
said George W. Henderson appears upon the records on Choctaw roll
card field No. 1904.

Yours truly,

Acting Chairman.

Y-1904

Choctaw 1904.

Muskogee, Indian Territory, March 3, 1905.

George W. Henderson,

Stringtown, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of February 26, asking the status of your application for enrollment as an intermarried citizen of the Choctaw nation, and in reply you are advised that it appears from our records that you have been listed for enrollment as an intermarried citizen of the Choctaw Nation, and your final right to such enrollment has not yet been determined. As soon as a decision is reached in your case you will be notified of the action of the Commission.

Respectfully,

Chairman.

Choctaw-1904.

Muskogee, Indian Territory, December 10, 1903.

George W. Henderson,

Stringtown, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of December 7, asking what disposition has been made of your application for enrollment as an intermarried citizen.

In reply to your letter you are informed that it appears from our records that you were admitted to citizenship in the Choctaw Nation by a judgment of the United States Court for the Central District of Indian Territory, dendered January 18, 1898, in court case (Citizenship Docket No. 44). Under the provisions of the act of Congress of July 1, 1902, the Commission is prohibited from enrolling or making any allotment of the lands of the Choctaw and Chickasaw Nations to persons whose citizenship in said Nations is dependent upon judgments of the United States Court in Indian Territory, until their right to such [illegible] is finally determined.

Respectfully,

Chairman.

Tahlequah, Indian Territory, June 14, 1904.

George W. Henderson,

Stringtown, Indian Territory.

Dear Sir:

Receiptis hereby acknowledged of your letter of the 4th inst., requesting to be advised relative to the status of your application for enrollment as an intermarried citizen of the Choctaw Nation.

You are informed that the Commission has not yet reached a decision in your case. As soon as a decision is reached you will be notified of the action taken therein.

Respectfully,

Chairman.

7-1904.

Muskogee, Indian Territory. November 8, 1904.

George W. Henderson,

Stringtown, Indian Territory.

Dear Sir:

In the matter of your application for enrollment as an intermarried citizen of the Choctaw Nation, it appears from your testimony, taken on December 23, 1902 at South McAlester, Indian Territory, that your wife, Hattie Henderson (nee Howit), through whom you claim intermarried rights, died in the year 1900.

You are advised that, before the Commission can determine your rights, if any, as such intermarried citizen, it will be necessary for you to furnish the Commission an affidavit stating whether or not you were remarried between the time of the death of your said wife and September 25, 1902. If you were not remarried prior to September 25, 1902, an affidavit to that effect must be furnished. If you were remarried prior to that date, the affidavit must state when, and to whom you were remarried.

This matter should receive your prompt attention.

Respectfully,

Dict. T.P.K. Chairman.

7-1904

Muskogee, Indian Territory, November 9, 1904.

George W. Henderson,

Stringtown, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of November 5, 1904, enclosing affidavit as to the date of the death of your wife Hattie Henderson in 1900, and stating that you have not remarried since that time, and the same has been filed with the record in your case.

Respectfully,

Chairman.

7-1904.

Muskogee, Indian Territory, November 17, 1904.

George V. Henderson,
Stringtown, Indian Territory.

Dear Sir:

In the matter of your application for enrollment as a citizen by intermarriage of the Choctaw Nation, you are advised that it is necessary for you to furnish the Commission with an affidavit, stating whether or not your wife, Hattie Henderson (nee Hewett), was a resident of the Choctaw Nation at the time of your marriage to her.

This matter should receive your prompt attention.

Respectfully,

Chairman.

Dict. F.P.B.

7-1904.

Muskogee, Indian Territory, November 23, 1904.

George W. Henderson,

Stringtown, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of November 21, 1904, enclosing your sworn statement relative to your residence at the time of your marriage to Hattie Hewitt in July 1897.

It appears that on November 3, 1904, you were informed it would be necessary for you to furnish the Commission an affidavit stating whether or not you were married between the time of the death of your wife Hattie Henderson and September 25, 1902, the date of the ratification of the Act of Congress approved July 1, 1902. The statement forwarded by you does not include this information. You should therefore submit an additional statement touching these matters.

Referring to that part of your letter in which you ask that early disposition be made of your case in order that you may file a contest for certain land claimed by you as the time for contest will expire December 7, you are advised that if lands upon which you own improvments which you desire to select in allotment have been filed on by another person, you will be permitted to

C. W. H. #2

make further application therefor for the purpose of instituting contest proceedings upon your personal appearance at the Land Office for the Nation in which your land is located.

Respectfully,

Chairman.

T-1904.

Muskogee, Indian Territory, November 21, 1904.

Commissioner in Charge,
Choctaw Land Office,
Atoka, Indian Territory.

Dear Sir:-

You are hereby advised that George W. Henderson whose enrollment as a citizen by blood of the Choctaw Nation was denied by the Citizenship Court on April 30, 1904, in case number 118 on the South McAlester docket, is an applicant to the Commission for enrollment as an intermarried citizen of the Choctaw Nation, by the reason of his marriage to Hattie Henderson, and he should be permitted to make application for land for the purpose of instituting contest proceedings therefor if he so desires, and he was this day been advised to this effect.

Your office will therefore act in accordance with the information herein given should George W. Henderson appear for the purpose of instituting contest.

Respectfully,

Chairman.

7-1904.

Muskogee, Indian Territory, November 2, 1904.

Commissioner in Charge,
Chickasaw Land Office,
Tishomingo, Indian Territory.

Dear Sir:-

You are hereby advised that George W. Henderson whose enrollment as a citizen by blood of the Choctaw Nation was denied by the Citizenship Court on April 30, 1904, in case number 118 on the South McAlester Docket, is an applicant to the Commission for enrollment as an intermarried citizen of the Choctaw Nation, by the reason of his marriage to Hattie Henderson, and he should be permitted to make application for land for the purpose of instituting contest proceedings therefor if he so desires, and he has this day been advised to this effect.

Your office will therefore act in accordance with the information herein given should George W. Henderson appear for the purpose of instituting contest.

Respectfully,

Chairman.

7-1904.

Muskogee, Indian Territory, November 26, 1904.

Commissioner in Charge,

Choctaw Land Office,

Atoka, Indian Territory.

Dear Sir:-

You are hereby advised that George W. Henderson whose enrollment as a citizen by blood of the Choctaw Nation was denied by the Citizenship Court on April 30, 1904, in case number 112 on the South McAlester Docket, is an applicant to the Commission for enrollment as an intermarried citizen of the Choctaw Nation, by reason of his marriage to Hattie Henderson, and he should be permitted to make application for land for the purpose of instituting contest proceedings therefor if he so desires, and he has this day been advised to this effect.

Your office will therefore act in accordance with the information herein given should George W. Henderson appear for the purpose of instituting contest.

Respectfully,

Commissioner in Charge.

7-1904.

Muskogee, Indian Territory, November 26, 1904.

Commissioner in Charge,

Chickasaw Land Office,

Tishomingo, Indian Territory.

Dear Sir:-

You are hereby advised that George W. Henderson whose enrollment as a citizen by blood of the Choctaw Nation was denied by the Citizenship Court on April 30, 1904, in case number 112 on the South McAlester Docket, is an applicant to the Commission for enrollment as an intermarried citizen of the Choctaw Nation, by reason of his marriage to Hattie Henderson, and he should be permitted to make application for land for the purpose of instituting contest proceedings therefor if he so desires, and he has this day been advised to this effect.

Your office will therefore act in accordance with the information herein given should George W. Henderson appear for the purpose of instituting contest.

Respectfully,

Commissioner in Charge.

7-1904

Muskogee, Indian Territory, December 1, 1904.

George W. Henderson,

Stringtown, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your affidavit stating that your wife Hattie Henderson died February 21, 1900, and that you did not marry again between that time and September 25, 1902, and the same has been duly filed with the records of the Commission in the matter of your application for enrollment as an intermarried citizen of the Choctaw Nation.

Respectfully,

Commissioner in Charge

7-5886

Muskogee, Indian Territory, March 13, 1906.

George W. Henderson,

Kiowa, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of March 8, 1906, in which you ask if your name has been forwarded to the Secretary of the Interior for approval.

In reply to your letter you are informed that your name has been placed upon a schedule of intermarried citizens of the Choctaw Nation which has been forwarded the Secretary of the Interior for approval, but the Commission has not yet been notified of Departmental action thereon.

Respectfully,

Choc 5887 Jennie Kingham

Trans from Choc D-324 Feb 1, 1905

Choc 5887

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

--oOo--

Record in the matter of the application for enrollment as a citizen by intermarriage of the Choctaw Nation of Jennie Kinghorn, 7-D-324.

[illegible] COMMISSION,
[illegible] CIVILIZED TRIBES,
[illegible], I. T., Dec. 23, 1902.

7-D524

In the matter of the application of Thomas A. Kinghorn for enrollment as an inter married citizen of the Choctaw Nation.

Thomas A. Kinghorn being sworn testified as follows:

Examination by the Commission:

Q What is your name? A Thomas A. Kinghorn.
Q How old are you? A I am forty three.
Q What is your post office address? A Albany, Indian Territory.
Q Choctaw nation? A Yes sir.
Q Are you a white man? A Yes sir.
Q Are you making claim as an inter married citizen of the Choctaw Nation? A Yes sir.
Q What is the name of your Choctaw wife? A Jennie Graves.
Q Is she living? A Yes sir.
Q Are you living with her at the present time? A Yes sir. Her maiden name was Hildebrand.
Q Was she married before? A Yes sir.
Q What was her first husband's name? A Graves.
Q Was he a white man? A Yes sir.
Q Then your wife was a white woman? A No sir, Cherokee by blood.
Q Then you are claiming inter married citizenship by virtue of this marriage to this white woman on account of her marriage to a Choctaw citizen? A Yes sir.
Q What was the name of her Choctaw husband? A Graves.
Q Was she married to that man according to the Choctaw customs? A I guess so.
Q Have you the marriage certificate? A No sir, but I have evidence.
Q Where were you married to her? AIn the Choctaw Nation Blue County-Philadelphia.
Q Was she a full blood Cherokee woman? A No I don't guess so.
Q Has she ever been recognized or admitted to citizenship in the Cherokee Nation? A I don't know whether she has or not; Harmon there can tell you.
Q I am asking you. A I can't tell.
Q Did she ever draw money as a Cherokee? A I think she has.
Q Where did she draw this Cherokee money? A When they drew the money I reckon.
Q In the Cherokee Nation? A Yes sir.
Q Where does she live now? A At Albany in the Choctaw Nation.
Q What year were you married to her? A In 1891.
Q Was she ever recognized in any manner by the Choctaw [illegible] as a citizen of the Choctaw nation? A I don't know only by being a resident there for quite a while.
Q Were you married according to Choctaw laws and customs? A Yes by Brother Hogue.
Q How much did you pay for your license? A $100.00.

Applicant offers in evidence marked Exhibit "A" and made part of the records herein marriage license and certificate of T. A. Kinghorn and Miss Jennie Wright; applicant also offers receipt for $100.00 in Blue County scrip for marriage license receipt signed by T. F. Robinson Clerk marked Exhibit "B" and made part of the record.

Q What was the name of the Choctaw husband of your wife? A His name was Graves; I don't know his full name.
Q Is he living? A No sir.
Q Was he dead before your marriage to your wife? A Yes sir.
Q Was she married more than one time when she married you? A Yes sir
Q What was the name of her second husband? A This Alfred Wright.
Q Was he a Choctaw citizen also? A Yes sir.
Q Is he living? A No sir.
Q At the time you married this wife she was free to marry, therewas no legal obstacle to this marriage? A No sir.
Q How much money did your wife draw of the Cherokee money that you said she received,do you know how much? A No sir,I don't remember.
Q Did she draw this money since your marriage to her? A Yes sir.
Q Where did she draw it?What town in the Cherokee Nation did she draw it in? A Talequah; something about $200,00I think.
Q What year was that? A I can't tell you.
Q How many years ago do you thank? A About 1896 I think. I guess 1895 or 1896.
Q Where was she living at the time she drew this money? A Albany, Choctaw Nation.
Q Went up there just to draw this money? A I don't know, she has relatives.
Q Were you with her when she drew this money? A No sir.
Q But you know as a fact that she drew something like $200.00 as a Cherokee citizen? A I think she did.
Q Was she ever been recognized in any manner as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities? A I don't think she has.
Q Was she ever made application for enrollment as a citizen of the Choctaw Nation? A Yes, she tried at Durant when the Commission was there; they didn't recognize her there.
Q Didn't hear her application there? A Nosir.

(Simon K. Lewis says they heard her statement and rejected her; "Idon't think they made any record.")

Q Both of these Choctaw husbands of your wife, are they recognized as citizens of the Choctaw Nation? A Yes sir.
Q When did your wife's first husband die? A I can't tell you.
Q When did her second husband die? A About three years before we were married in 1891;two or three years.
Q Was your wife married more than three times? A Yes, she married me the fourth time.
Q What was the name of her first husband? A Downing.
Q What was he? A Cherokee they tell me.
Q Your wife has been married four times? A Yes sir.
Q First to Downing a Cherokee,second Graves a Choctaw,third to Wright a Choctaw And then to you, a white man? A Yes sir.
Q You have no right in the Choctaw Nation except the right you claim though this wife of yours, Jennie Wright? A No sir.
Q And she was part Cherokee and part what? A Mixed Cherokee and white.
Q Has your wife ever made any application for inter married rights in the Choctaw Nation? A Yes, I think so.
Q Where? A Durant.
Q Did she make application as an inter married citizen of the Choctaw Nation? A Yes sir.
Q She is not now an enrolled citizen of the Choctaw Nation? A No reason.
Q Did you make application to the Commission in 1896 as an inter-married citizen of the Choctaw Nation? A Yes sir.
Q Did you claim it that your rights through this same woman

Henry G. Heine being sworn on his own status that as Stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had on the cause entitled as on the 21st day of December 21, 1902, and that what is a full, true and correct transcript of his stenographic notes in same.

Henry G. Heine

Subscribed and sworn to before me this 6 day of January, 1903.

Charles Kessinger

Notary Public.

7-D-324.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, IND. TER. OCTOBER 25, 1904.

In the matter of the application for the enrollment of Jennie Kinghorn as a citizen by intermarriage of the Choctaw Nation.

Jennie Kinghorn being first duly sworn testifies as follows:

Examination by the Commission:

Q What is your name? A Jennie Kinghorn.
Q What is your post office address? A Albany.
Q How old are you? A How old I am? I don't remember.
Q About how old? A I guess I am about fifty-five, I don't know my age.
Q What is your father's name? A Moses Hildebrand.
Q Was he a Cherokee? A Yes, sir, I am a Cherokee by blood.
Q What is your mother's name? A I don't remember my mother, I was just three years old when my mother died.
Q What was she? A She was Cherokee.
Q Have you ever applied to the Cherokee authorities as a citizen by blood? A I drew money there.
Q When? A When the strip was sold.
Q 1893? A Yes, sir.
Q Did you get this money? A Yes, sir.
Q Are you on the 1880 roll of Cherokees? A I never have been enrolled.
Q Where were you born? A I was born in the Cherokee Nation.
Q Have you applied to the Cherokee Dawes Commission for enrollment as a Cherokee by blood? A No, sir, never have.
Q Have you authorized anyone to make application for you in the Cherokee Nation? A No, sir.
Q You claim now do you as a citizen by intermarriage of the Choctaw Nation? A Yes, sir.
Q What is the name of the Choctaw Indian through whom you claim your rights? A Alfred Wright.
Q I thought you claimed through Daniel Graves? A I have been married twice.
Q What was your first husband's name? A Daniel Graves.
Q Was he Choctaw by blood? A Yes, sir.
Q When were you married to him? A I couldn't tell you.
Q Where were you married? A Near Albany.
Q Who married you? A Phelin Welly, he was county judge.
Q Of what county? A Blue county.
Q Where were you living at the time of your marriage to him? A Down there close to Albany.
Q Where was he living? A In the Choctaw Nation.
Q So you were both living in the Choctaw Nation at the time of this marriage? A Yes, sir.
Q How long did you and he live together as husband and wife? A Two years.
Q Then what took place? A He died and I married Alfred Wright.
Q Was he a Choctaw Indian? A Yes, sir.

74-D-324----2.

Q When did you marry again? A I don't remember what day.
Q What year was it? A I don't remember what either.
Q About how long ago? A I lived with him about sixteen years before he died.
Q Then how long did you remain single? A After he died.
Q Yes,? A Two years.
Q Then you married? A White man,
Q Kinghorn? A Yes, sir.
Q When did you marry him? A 1891.
Q You have been married to him how long? A I lived with him thirteen or fourteen years.
Q Are you living with him now? A No, sir, he ~~is~~ is dead died this last March.
Q Then you lived with him for about thirteen years; was Daniel Graves married before he was married to you? A No, sir, he was a single man.
Q And he was your first husband? A I had been married before that, I married a Cherokee before that.
Q What was his name? A Ned Downing.
Q Was he dead at the time you married Graves? A Yes, sir.
Q He was dead before you married Graves? A Yes, sir.
Q Were you married to anybody else before then? A No, sir.
Q Now when you married Alfred Wright was he married before? A Yes, sir.
Q How many times? A I think one time.
Q Was his wife dead at the time you married him? A Yes, sir.
Q Did you have a living husband at the time you married Wright? A No, sir.
Q Your fourth husband was Thomas A. Kinghorn? A Yes, sir.
Q And he was a white man? A He was a white man.
Q Have you got a marriage certificate between yourself and Graves and between yourself and Alfred Wright? A No, sir, I never did know what he done with the certificate, if he had one I think he put it on the record.
Q Did you have any children by Daniel Graves? A I had one.
Q Is she living? A She is living.
Q What is her name? A Rena Graves, she married a Dyer,
Q What is her husband's first name? A Joe Dyer.
Q Is Joe Dyer living? A Yes, sir, he is living with her now.
Q Did you have any children by Alfred Wright? A No, sir, never had any.
Q Did you ever draw any money from the Choctaw Nation? A No, sir.
Q You must have married Graves in 1871 and Wright in 1878 and Kinghorn in 1891 - about right is it? A Yes, sir, I guess about right.
Q Have you ever been known by any other name than Jennie? A No, sir.

Mrs. Kinghorn in the matter of your enrollment as a citizen by intermarriage of the Choctaw Nation it will be necessary for you to file with the Commission a certified copy of the marriage certificate between you and Daniel Graves and also between you and Alfred Wright. If you are unable to obtain the same you may furnish the Commission with a sworn affidavit of two disinterested persons who were present at your marriage to said Graves and Wright. It will be necessary that two affidavits be furnished to each marriage

Q Since your marriage to Daniel Graves about the year 1871 where have you lived? A Down there.
Q In the Choctaw Nation? A Yes, sir, in the Choctaw Nation been living there since I left the Cherokee Nation.
Q From the date of your marriage to Daniel Graves up to and including September 25, 1902 you have been a bona fide resident of the Choctaw Nation? A Yes, sir.
Q You haven't been outside at all? A No, sir.
Q You didn't apply in 1896 did you at the same time as Thomas Kinghorn? A No, sir.
Q Did you live with Graves and Wright in the Choctaw Nation as husband and wife from the time of your marriages until their respective deaths? A Yes, sir, lived right there.
Q Is your child Rena some times called Lorena? A Yes, sir, that is her name.

The name of Alfred Wright, Jane Wright and Lorena are identified on the 1885 Choctaw Census Roll, Blue County and are numbered respectively 517, 518 and 519. The daughter of the applicant now Lorena Dyer is identified on Choctaw field card number 5642 and is numbered 14867 upon the final roll and approved May 20, 1903.

Q You are called Jane ~~sometimes~~ once in a while? A Yes, sir, they call me that some times but my right name is Jennie.
Q There is a Serena Wright, Alfred Wright and Jane Wright on the 1885 roll, now is that Serena Wright your daughter by Daniel Graves? A Yes, sir, but her right name is Lorena Graves.
Q But at that time you were married to Wright and she took the name of Wright? A Yes, sir, they called her Lorena Wright when I married Wright.

Witness excused.

Chas. T. Difendafer being first duly sworn states that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Chas T Difendafer

Subscribed and sworn to before me this 5th day of November 1904.

Charles N. Sawyer
Notary Public.

In the Matter of the Application of Jennie Kinghorn for Enrollment as an Intermarried citizen of the Choctaw Nation.

Indian Territory.
Central District. Affidavit.

Be it remembered that on this the 26th. day of Oct. 1904, personally appeared before me, the undersigned authority, Henry Byington, to me well and personally known to be the person making the following statement, who after being duly sworn according to law, upon his oath stated as follows, to-wit:

My name is Henry Byington, my age is 53 years, my Post Office is Caddo Ind. Ter. I am well and personally acquainted with Mrs. Jennie Kinghorn, who is an applicant for enrollment as an intermarried citizen; she lives at Albany, Ind. Ter. I have known Mrs. Jinnie Kinghorn since 1865; her name at that time was Jinnie Hilderbrand. In 1869 this Jinnie Hilderbrand married Daniel Garves a full blood Choctaw Indian; I was present at the wedding; they were married by Judge Phelen Walls, County and Probate Judge of Blue County, Choctaw Nation; I went woth them to the home of the judge where they were married; they lived together as man and wife until the death of Graves in 1871; I was well acquainted with Daniel Graves, he was a cousin of mine.

After the death of Daniel Garves, Jennie Kinghorn married a Choctaw Indian by the name of Alfred Wright; this marriage occurred about 1874; I was not present at the marriage, but knew the parties well and knew that they lived together as man and wife in the Choctaw Nation until the death of Wright in about 1884.

Henry Byington

Sworn and subscribed to before me this the 26th. day of Oct. 1904.

Notary Public.

In the Matter of the Applica-
tion of Jennie Kingsbury, an
Intermarried Citizen of the
Cherokee Nation.

Affidavit.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT 31 1904

Be it Remembered that T. H. Stark to me Personaly known and after being duly sworn deposes and says my name is T. H. Stark I am 70 years of age My Post office is Bennington I. T. and that I am well aquainted with Jennie Kinghorn have known her personaly for 30 years and that I was present When Jennie Kinghorn was married to Alford Knight a Choctaw Indian by blood I was present and saw the marriage Ceremony performed by Sylvester Durant a minister of the Gospel

T. H. Stark

Witnesses

Sam W. Smith

Personaly appeared before me the undersigned Authority T. H. Stark to me personaly well known to be the person who signed the foregoing Affidavit and stated that he had done so of his own freewill and accord

Subscribed and sworn to before me this the 27th day of October 1904

J. C. Tucker
Notary Public

my Commission Expires Feb 12-1905

Affidavit.

Indian Territory)
Central District)

Abner Willis, being sworn states as follows:-I am forty nine years of age, and reside near Blue Post Office, Choctaw Nation, Central District Indian Territory. I have lived in the Indian Territory, and in the neighborhood where I now reside for the whole period of my life.

I knew Jennie Kinghorn now, and have known her about thirty five years. When I first knew her she was married to and living with Daniel Graves, a full blood Choctaw Indian. They then lived about two miles from where Albany, I.T. is located at present. I knew her and Daniel Graves while they lived together as man and wife for five years. I did not see these parties married, but knew that they lived together in the same house as man and wife, and acted and conducted themselves as if they were married, and they lived as such until Daniel Graves died, which was five years from when I first came to know Jennie Graves, now Jennie Kinghorn. Jennie Graves, now Jennie Kinghorn, then married one Alfred Wright, and lived with him for about ten years. I knew that these two people lived together as man, and wife for about ten years. I did not see these two parties married, but knew that they lived together as man and wife, and acted and conducted them selves as such. I was at the house of Daniel Graves before he died, and was also at the house of alfred wright before he died, and knew that these parties, conducted themselves as husbands to Jennie Kinghorn, at that time.

I have no interest in this application for enrollment of Jennie Kinghorn as a citizen of the Choctaw Nation, and am of no kin to either party.

My Post Office is Blue, I.T.

Durant, I.T. This December 6th, 1904.

Abner Willis

Sworn to and subscribed before me this December 6th, 1904.

Claude O'Valentine
Notary Public.

Indian Territory)
Central District)

Frank Burris, of near Blue Post Office, Central District, Indian Territory, states:- I am sixty years old, and have resided in the Indian Territory about thirty years. I have resided in the neighborhood where I now reside for about twenty three years.

I knew Alfred Wright in his life time, and knew him for about ten years before he died. He was a Choctaw Full Blood Indian. His wife was Jennie Wright, now Jennie Minghorn. I never saw these two parties married, but I knew that they lived together for at least ten years as man and wife. I knew both of them while they were living together during the past ten years of Alfred Wright's life. They lived together in the same house, and lived as man and wife for ten years that I knew them. I am of no kin to Jennie Minghorn nor to Alfred Wright, and have no interest in her application for enrollment as a member of the Choctaw Tribe of Indian.

My Post Office is Blue, I.T.

Durant, I.T. December 6th, 1904.

Frank Burris

Sworn to and subscribed before me this December 6th, 1904.

Claude Hamilton

Notary Public.

Affidavit.

Indian Territory) I,Pier Durant, of Durant,Indian Territory,state of
Central District) my oath that I am forty six years of age;that I am
a citizen by bleed of the Choctaw Nation,and have resided in the
Choctaw Nation all my life.

I am acquainted with Jennie Kinghorn,and have known her at least thirty five years.My Father's name was Sylvester Durant,and he was a minister of the Gospelordained in the Presbyterian Church. I remember when Jennie Graves,now Jennie Kinghorn, and Captain Alfred Wright were married at my father's house something like twenty five or thirty years ago.I was about grown at the time and was living at home with my father.They drove up in to the house and requested my father to marry them,and he did so.I remember this well for the reason that Captain Wright was a captain in the Choctaw Militia and I was well acquainted with him,and also knew Jennie Graves well, These partieslived together for about ten or twelve years when Alfred Wright died.

I am of no kin to either party and have no interest in this controversy,or application for enrollment of Jennie Kinghren as an intermarried citizen of the Choctaw Nation.

Durant,I.T.Dec.16th,1904. Pier Durant

Sworn to and subscribed before me this the 16th,day of December,1904.

L.D.Horton

Notary Public.

7-D-224.

Muskogee, Indian Territory October 25, 1904.

Commission to the Five Civilized Tribes,
Cherokee Enrollment Division.

Gentlemen:

It appears from the records of the Commission that Jennie Kinghorn has been listed for enrollment as a citizen by intermarriage of the Choctaw Nation on Choctaw doubtful card number 24.

It further appears, from her testimony given before the Commission on October 25, 1904, that her father and mother were Cherokees by blood; that her father's name was Moses Hildebrand; that she has been married to Ned Downing, Daniel Graves, Alfred Wright and Thomas A. Kinghorn respectively; that her husband Ned Downing was a Cherokee by blood and that she drew the Cherokee payment in 1897.

You are requested to advise the Choctaw-Chickasaw Enrollment Division as to whether or not any application has been made for the enrollment of Jennie Kinghorn as a citizen or freedman of the Choctaw Nation.

Respectfully,

Chairman.

Owner

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BREWSTER.
WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, November 21, 1904.

Commission to the Five Civilized Tribes,

Choctaw-Chickasaw Enrollment Division.

Gentlemen:

Referring to 7-D-324 and your letter of October 25, you are advised that an examination of the records of the Commission fails to disclose that application has ever been made for the enrollment of the said Jennie Kinghorn as a citizen of the Cherokee Nation under any of the names given.

Respectfully,

Chairman.

7-D-324.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Jennie Kinghorn for enrollment as a citizen by intermarriage of the Choctaw Nation.

-- D E C I S I O N : --

It appears from the record herein that the applicant, Jennie Kinghorn, about the year 1871, was lawfully married to Daniel Graves, a citizen by blood of the Choctaw Nation; that at the date of said marriage both the persons above named were residents in good faith of the Choctaw Nation, and that they lived together as husband and wife in said Nation for about two years, and until the death of the said Daniel Graves; that thereafter, and about the year 1873, the applicant was lawfully married to Alfred Wright, a recognized and enrolled citizen by blood of the Choctaw Nation, who is identified upon the 1885 Choctaw Census Roll, Blue County, number 517; that at the date of said marriage both the persons above mentioned were residents in good faith of the Choctaw Nation, and lived together in said Nation as husband and wife for about sixteen years, and until the death of the said Alfred Wright; that thereafter in 1891 the applicant was married to Thomas A. Kinghorn, a white man having no right of Choctaw citizenship by blood; that the applicant has been a resident in good faith of the Choctaw Nation since the date of her marriage to Daniel Graves in 1871 continuously up to and including September 25, 1902.

It further appears from the record herein that the applicant claims to be a citizen by blood of the Cherokee Nation, but it appears from the records of the Commission, and from the record herein, that the applicant has never made any application to this Commission for enrollment as a citizen by blood of the Cherokee Nation.

The name of the applicant (as Jane Wright) appears upon the 1885 Choctaw Census Roll, Blue County, number 518.

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of Thornton D. Pearce (I.T.D. 4060-1904), relative to the question of forfeiture Jennie Kinghorn should be enrolled as a citizen by intermarriage of the Choctaw Nation in accordance with the provisions of the

acts of Congress approved June 28, 1898 (30 Stats., 495), and July 1, 1902 (32 Stats., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

JAN 16 1905

Choctaw D 384.

COPY.

Muskogee, Indian Territory, January 16, 1905.

Jennie Kinghorn,

Albany, Indian Territory,

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered January 16, 1905, granting your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling you as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, your name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Tams Bixby

Chairman.

Registered.

Incl. 7-D-384.

Choctaw D 324

COPY.

Muskogee, Indian Territory, January 16, 1905.

Williams & Utterback,

Attorneys at Law,

Durant, Indian Territory.

Gentlemen:

You are hereby notified that the Commission to the Five Civilized Tribes, on January 16, 1905, rendered its decision granting the application for the enrollment of Jennie Kinghorn as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, her name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Tams Bixby

Chairman.

Registered.

Choctaw D 124.

COPY.

Muskogee, Indian Territory, January 16, 1905.

Hatchett & Hatchett,
Attorneys at Law,
Durant, Indian Territory,

Gentlemen:

You are hereby notified that the Commission to the Five Civilized Tribes, on January 16, 1905, rendered its decision granting the application for the enrollment of Jennie Kinghorn as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, her name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

James Bixby
Chairman.

Registered.

Choctaw D 324

COPY.

Muskogee, Indian Territory, January 16, 1906.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission rendered January 16, 1906, granting the application for the enrollment of Jennie Kinghorn as a citizen by intermarriage of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, her name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Tams Bixby

Chairman.

Registered.

Incl. 7-D-324.

See Choctaw 5543 for registry receipt for this letter.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, April 8, 1902.

In the matter of the application of Thomas A. Kinghorn for enrollment as a citizen by intermarriage of the Cheetaw Nation.	D-324.

On the 1st day of March, 1902, the applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Cheetaw and Chickasaw Nations were also notified by registered mail that the application of Thomas A. Kinghorn for enrollment as a citizen of the Cheetaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 8th day of April, 1902, for final consideration.

Now on this 8th day of April, 1902, this cause coming on to be heard pursuant to said notice, the Cheetaw Nation failed to appear, and the applicant, being called, failed to appear either in person or by attorney.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on the 8th day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of April, 1902.

Hal Belford

Subscribed and sworn to before me this 10 day of April, 1902.

Marmaduke Millwood

Notary Public.

TO THE SECRETARY OF THE INTERIOR:

In the matter of the application for the enrollment of Thomas A. Kinghorn as a citizen by intermarriage of the Choctaw Nation, 7-D-324.

- - - - - -

PETITION FOR THE REFERENCE TO THE ATTORNEY GENERAL FOR HIS OPINION AS TO THE PROPER PROCEDURE AND AS TO THE LAW.

= =-=-=-=-=-=-=-=-=-=-=-=-= =

Comes now your petitioner herein, Thomas A. Kinghorn, by and through his administrator, P. L. Cain, and respectfully represents that on the 21st day of June, A. D. 1906, his application for enrollment, which was claimed as a citizen by intermarriage of the Choctaw Nation by reason of his marriage to Jennie Kinghorn, and whose name appears as number 1372 upon a list prepared by the Commission to the Five Civilized Tribes, under the provisions of the Act of Congress approved July 1, 1902, of persons entitled to enrollment as citizens by intermarriage of the Choctaw Nation, and approved by the Secretary of the Interior March 14, 1905.

In accordance with said decision it appears from the records of said Commission that on September 7, 1896, in the case entitled 'Thomas Kinghorn vs. Choctaw Nation' (1896 Choctaw Citizenship Docket, Case No. 221), original application was made to said Commission under the provisions of the Act of Congress approved June 10, 1896, for the admission of the applicant herein to citizenship in the Choctaw Nation, said applicant, Thomas Kinghorn, claiming his right thereto by reason of his marriage to Jennie Kinghorn; and that on December 2, 1896, said Commission rendered its decision therein admitting said applicant as a citizen by intermarriage of the Choctaw Nation, from which decision no appeal was taken.

We submit that in accordance with the contention of law in the certain cause, 'In the matter of the application for the en-

rollment of Mary Elizabeth Martin as a citizen of the Choctaw or Chickasaw Nation', the decision of the Commissioner in denying the application of Thomas A. Kinghorn to be enrolled as a citizen by intermarriage of the Choctaw Nation should be overruled and disapproved by the Secretary of the Interior; and we respectfully call attention to the brief filed by the applicant, said brief being addressed to the President of the United States, the Secretary of the Interior and the Attorney General, and being a petition for re-hearing in a certain cause styled: "Application for the enrollment of Mary Elizabeth Martin"; and we respectfully submit that the decision of the Commissioner rendered on the 21st day of June, A. D. 1906, should be overruled by the Secretary of the Interior, and that the application of said Thomas A. Kinghorn for enrollment should be granted.

Respectfully submitted,

R. L. Williams

For Petitioner.

In the matter of the application for enrollment of Thomas A. Kingborn as a citizen by intermarriage of the Choctaw Nation.

- - - - - - -

PETITION FOR REFERENCE TO THE ATTORNEY GENERAL FOR HIS OPINION AS TO THE PROPER PROCEDURE AND AS TO THE LAW.

- - - - - - -

DEPARTMENT OF THE INTERIOR,
Commissioner to the Five Civilized Tribes.

FILED

JUL 16 1906

Commissioner.

R. L. Williams,
Att'y for Petitioner.

Commission to the Five Civilized Tribes,

Durant, Indian Territory.

In the enrollment of Thomas A. Kingborn as an intermarried Choctaw; being sworn and examined by Com'r McKennon he testifies:

Q What is your name? A Thomas A. Kingborn

Q How old are you? A 41

Q You are a white man? A Yes sir

Q What is your wife's name? A Jennie Wright when I married her.

Q She is a Cherokee Indian? A Yes sir

Q Do you know whether she is enrolled upon the Cherokee rolls or not? A No sir I do not.

Q How long have you been living with her? A Since 1891.

Q During that time have you drawn any money for her up there?

A No sir.

Q Or has she? A I don't remember whether she has or not

Q Wouldn't you know it if you have been living with her?

A Her business is hers and mine is mine.

Q You really don't know whether she drew money there or not?

A No sir.

Q Is it possible that your wife could have gotten any considerable amount of money and you never found it out, you living with her? A Yes sir.

Q That is the way you live together? A Yes sir, that is in that respect.

Q (By Choc. Com'r Lewis) Has she got any small children with her by Wright? A No sir.

Q (Com'r McKennon) Has she got any children? A Yes sir.

Q How many? A One.

Q What is its name? A Lorena Dyer.

Q Where does she live? A In the Choctaw Nation.

Q Do you know whether she is enrolled in the Cherokee Nation?

A I don't think she is.

Thomas A. Kinghorn #8 (Jennie Kinghorn witness)

Jennie Kinghorn being sworn and examined by Com'r McKennon testifies:

Q What is your name? A Jennie Kinghorn

Q Were you formerly Jennie Wright? A Yes sir.

Q You are a Cherokee Indian? A Yes sir

Q You a full-blood? A No sir, my father was a half-breed and I guess my mother was a full-blood; I never did see my mother; I was small when my mother died. My father's father was a white man.

Q Did ever you live in the Cherokee Nation? A Yes sir I lived there; I came here time of the War.

Q Have you lived there since the War? A No sir, I never have lived there since the War.

Q Have you ever drawn any money in the Cherokee Nation?

A No sir

Q Anybody else get any money for you? A No sir, I wouldn't ask them to.

Q Never did? A No sir, they would refuse me that just the same as they did here.

Q Have ever you been enrolled here on the rolls? A No sir, only when we enrolled here at Caddo is all.

Com'r McKennon: You were never enrolled then: they never put you on the roll.

Q That was in 1896 was it? A Yes sir I guess so.

Q You appeared there before them and they took down your name but your name is not found on the roll of 1896, so you were never enrolled here as a citizen.

Thomas A. Kinghorn, re-called, states:

Q Have you any further right to enrollment in the Choctaw Nation except through your marriage to Jennie your wife? A No sir.

Jennie Kinghorn re-called:

Q Was your first husband a Cherokee? A Yes sir, my first

Thomas A. Kingborn, Jannie Kingborn witness #2)

husband was a Cherokee; and then I married Daniel Graves and then Mr. Wright; Daniel Graves was a Cherokee.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

M L Green

7-D-324.
O.L.J.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Thomas A. Kinghorn as a citizen by intermarriage of the Choctaw Nation.

D E C I S I O N.

It appears from the record herein that on August 15, 1899, application was made to the Commission to the Five Civilized Tribes for the enrollment of Thomas A. Kinghorn as a citizen by intermarriage of the Choctaw Nation.

Said applicant claims his right to enrollment as a citizen by intermarriage of the Choctaw Nation by reason of his marriage to Jennie Kinghorn (formerly Wright), who possesses no Choctaw blood, and whose name appears as number 1372 upon a list prepared by the Commission to the Five Civilized Tribes, under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), of persons entitled to enrollment as citizens by intermarriage of the Choctaw Nation, and approved by the Secretary of the Interior March 14, 1905.

It further appears from the records of said Commission that on September 7, 1896, in the case entitled "Thomas Kinghorn vs. Choctaw Nation" (1896 Choctaw Citizenship Docket, Case No. 221), original application was made to said Commission under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321), for the admission of the applicant herein to citizenship in the Choctaw Nation, said applicant claiming his right thereto by reason of his marriage to Jennie Kinghorn; and that on December 2, 1896, said Commission rendered its decision therein admitting said applicant as a citizen by intermarriage of the Choctaw Nation, from which decision no appeal was taken.

I am of the opinion that in accordance with the opinion of the Assistant Attorney General for the Department of the Interior of May 24, 1906 (I.T.D. 46-1906), in the case of Hayne Helms, the action of the Commission to the Five Civilized Tribes of December 2, 1896, admitting the applicant, Thomas A. Kinghorn, as a citizen by intermarriage of the Choctaw Nation, was without authority of law, and of no force and effect upon the status of said applicant as a citizen of said nation, and that following the ruling of the Department in the case of Emma McMennamin (I.T.D. 11582-1904), the application for his enrollment as a citizen by intermarriage of the Choctaw Nation should be denied, under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

Muskogee, Indian Territory,

JUN 21 1906

Commissioner.

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Thomas A. Kinghorn as a citizen by intermarriage of the Choctaw Nation, Choctaw Field No. D-324.

We hereby request, on behalf of the Choctaw and Chickasaw Nation, that final decision in this case be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of Joanna Mickle, et al., Vs. Choctaw and Chickasaw Nations, No. 37 on the South McAlester Docket, in which the said court will decide the question of whether white persons, the widows or widowers of deceased Choctaw or Chickasaw spouses, can confer rights of citizenship upon white husbands or wives whom they may remarry and upon their white children by them, which question is involved in the case to which this communication refers.

This request is filed under authority granted by the Honorable Secretary of the Interior in his communication to the Commission to the Five Civilized Tribes upon the subject dated November 18, 1903.

Mansfield, McMurray & Cornish.
Attorneys for the Choctaw & Chickasaw Nations.

January 23, 1904.

(Endorsed on back as follows)

Choctaw D-324.
In the matter of the enrollment of Thomas A. Kinghorn as a citizen by intermarriage of the Choctaw Nation. PROTEST of Choctaw and Chickasaw Attorneys
DEPARTMENT OF THE INTERIOR, COMMISSION TO THE FIVE CIVILIZED TRIBES, FILED FEB 6 1904.

Tams Bixby
Chairman.

MARRIAGE LICENSE.

THE CHOCTAW NATION,)
) Caddo Ind Ter Oct 16th A D 1891
COUNTY OF BLUE,)

TO ANY JUDGE OF THE COUNTY OR DISTRICT COURT, REGULAR LICENSED OR ORDAINED MINISTER OF THE GOSPEL OF THE CHOCTAW NATION, GREETING:

You are hereby authorized to solemnize the rites of matrimony between Mr. T. A. Kinghorn and Mrs. Jennie Wright Certifying your actions under this license.

Witness my official signature and seal of office at my office in Caddo, this 16th day of Oct. A. D. 1891.

(signed) N. F. Robinson
(SEAL) County and Probate Clerk, Blue Co.

I R. J. Hogue hereby certify that on the 18th day of Oct. A. D. 1891 I united in marriage Mr. T. A. Kinghorn and Mrs. Jennie Wright, the parties above named.

Witness my hand this 20th day of October A. D. 1891.

(signed) R. J. Hogue
Minister of the Gospel

Recorded on Page 257 of Record Book in office of circuit Clk 3rd Dist C N E M Everidge Circuit Clerk 3rd Dist C N

Indorsed:

Marriage License
for
T. A. Kinghorn
and
Jennie Wright

Issued Oct. 16th A.D. 1891.
N. F. Robinson
County and Probate Clerk.

Caddo Oct. 16th A. D. 1891.

RECEIVED from F. A. Kinghorn

One hundred 100 Dollars

in Blue County Scrip for Marriage License

(signed) M. F. Robinson Clerk

B C C W

$100.00

MEMORANDA.

NS

(Date) August 1st 1899.

Name Thomas A. Kinghorn

Choctaw? yes County ..... Year ..... No. .....

Chickasaw? ..... County ..... Year ..... Page .....

Citizen by blood? ..... Mother's citizenship .....

Intermarried citizen? yes

Married under what law? .....

License filed this day, ...

Wife's name, ...

Choctaw? ..... County ..... Year ..... No. .....

Chickasaw? ..... County ..... Year ..... Page .....

Citizen by blood? ..... Mother's citizenship .....

Intermarried citizen? .....

Married under what law? .....

License filed this day .....

Names of children:

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

Admitted by Dawes Com. as Thomas Kinghorn Dec. 4 - 1899.

Claims right by intermarriage with Cherokee Indian woman who had formerly been married to Cherokee citizen, and his testimony & that of his wife Jennie Kinghorn.

D 324

Muskogee, Indian Territory,

August 15th, 1900.

Thomas A. Kingham,

Albany, Indian Territory.

Dear Sir:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs Wakefield, Mansfield, Mahaffey, & Cornish, has filed with this Commission a notice of protest to your enrollment as a citizen of the Choctaw Nation.

The Commission, commencing December 3rd, 1900, will hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Acting Chairman.

R-B-324.

Muskogee, Indian Territory, September 18, 1900.

Thomas A. Kinghorn,

Albany, Indian Territory.

Dear Sir:-

Since notifying you on August 18, 1900, of the protest filed by the Choctaw Nation to your enrollment as a citizen of the Choctaw Nation, the Commission has been furnished by the Nation with the grounds upon which objection is made to your enrollment. But the Commission has, upon examination of its records, found that you were admitted as an intermarried citizen in 1896, under the act of Congress of June the 10th, 1896; your case being No. 331. No appeal having been taken from the decision of the Commission, its action at that time became final.

The Commission is in possession of a sufficient statement of facts upon which a decision may be rendered and in your case it will not be necessary for you to appear at the appointment at Atoka beginning December 3rd, 1900.

The Commission will accept and consider any written arguments on questions of law submitted on behalf of the Choctaw Nation at any time prior to February 1st, 1901, and on your behalf at any time prior to March 1st, 1901.

As soon thereafter as practicable the Commission will consider and finally determine your right to enrollment and the decision of the Commission, stating fully its reasons for any action that may be taken, will be mailed to you.

Yours truly,

Acting Chairman.

Choctaw D.194

C O P Y.

Muskogee, Indian Territory, March 1, 1902.

Thomas A. Kinghorn,
Albany, Indian Territory.

You are hereby notified that the application for enrollment of yourself as a citizen of the Choctaw Nation will be taken up by the Commission to the Five Civilized Tribes for final consideration at its office in Muskogee, Indian Territory, on the 8th day of April, 1902.

On said date, you may, if you desire, appear before the Commission in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting said application.

You are further notified that the representatives of the Choctaw Nation will also at the same time be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

The Commission to the Five Civilized Tribes.

Commissioner in Charge.

Register.

7 D 324

Muskogee, Indian Territory, February 20, 1903.

Mr. P. G. Reuter,

Clerk in Charge, Cherokee Land Office,

Vinita, Indian Territory.

Dear Sir:

It appears from the records of the Commission that Thomas A. Kinghorn is an applicant before the Commission for enrollment as a citizen by intermarriage of the Choctaw Nation, his name being listed on Choctaw Doubtful card number 324, and that he claims his rights thereto by reason of his marriage in 1891 to Jennie Kinghorn (nee Hildebrand), a citizen by blood of the Cherokee Nation.

It further appears from said records that the said Jennie Kinghorn was first married to one Downing, a Cherokee Indian; that her second husband's name was Graves, a Choctaw Indian; that her third husband's name was Alfred Wright, also a Choctaw Indian; and that the applicant herein, Thomas A. Kinghorn, is her fourth husband, with whom she is now living in the Choctaw Nation.

You are requested to inform the Choctaw-Chickasaw Enrollment Division as to whether the said Jennie Kinghorn or Thomas A. Kinghorn has ever been enrolled by the tribal authorities of the

W. G. R. 2.

Cherokee Nation or been listed for enrollment as citizens of said Nation by this Commission, and if so what is the present status of their application.

Respectfully,

Acting Chairman.

Choctaw D-324

Muskogee, Indian Territory, February 21, 1903.

P. O. Reuter,
Clerk in Charge, Cherokee Land Office,
Vinita, Indian Territory.

Dear Sir:

It appears from the records of the Commission that Thomas A. Kinghorn is an applicant before the Commission for enrollment as a citizen by intermarriage of the Choctaw Nation, his name being listed on Choctaw doubtful card No.324, and that he claims his right thereto by reason of his admission to such citizenship in 1896 by the Commission to the Five Civilized Tribes under the Act of Congress of June 10, 1896 (29 Stats.,321), from which judgment there was no appeal.

It further appears from said records that in 1891 the said Thomas A. Kinghorn was married to Jennie Kinghorn (nee Hildebrand), a citizen by blood of the Cherokee Nation, who, prior to her marriage to him, had been married to one Downing, a Cherokee Indian, to a Choctaw Indian named Graves and to another Choctaw Indian named Alfred Wright, and that the said Thomas A. and Jennie Kinghorn since their said marriage in 1891 have lived together as husband and wife up to the present time.

P.O.Hunter-2

You are requested to inform the Choctaw-Chickasaw Enrollment Division as to whether the said Jennie Kinghorn or Thomas A. Kinghorn has ever been enrolled by the tribal authorities of the Cherokee Nation or been listed for enrollment as citizens of said nation by this Commission, and, if so, what is the present status of their application.

Respectfully,

Chairman.

T-2486
T-3397
T-3951
T-3-324

Muskogee, Indian Territory, October 6, 1903.

Saul Folsom,

Ironbridge, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of August 26, 1903, requesting information relative to the rights of Bob Mitchell, Albany, Indian Territory, Alford Whiller and Thomas Keyhorn to hold any land either in the Choctaw of Chickasaw Nation.

You are informed it appears from our records that Robert B. Mitchell, of Albany, Indian Territory, husband of Missouri Mitchell, a citizen by blood of the Choctaw Nation, has been duly enrolled by this Commission as an intermarried citizen of the Choctaw Nation and his enrollment as such approved by the Secretary of the Interior June 13, 1903.

It further appears from our records that Alfred Whaley, of Utica, Indian Territory, and his minor children, Winnie P., Walter M., Ruby and Vernice Whaley were admitted to citizenship in the Choctaw Nation by a judgment of the United States court at South McAlester Indian Territory, August 30, 1897, and the rights of himself and minor children are entirely dependent upon the judgment of the United States court above referred to. Their rights as citizens of the Choctaw Nation are now being contested by legal

proceedings before the Choctaw-Chickasaw citizenship court created by the Act of Congress approved July 1, 1902, and under the provisions of said Act the Commission is estopped from taking any action relative to the enrollment of or the allotment of land to Alfred R. Whaley or his minor children.

It further appears from our records that Thomas A. Kinghorn, of Albany, Indian Territory, now about 44 years of age, is an applicant to this Commission for enrollment as an intermarried citizen of the Choctaw Nation, but no decision relative to his final right to enrollment as such has yet been rendered by the Commission.

You are also informed that under the rules and legislation governing the selections of allotments and designations of homesteads in the Choctaw and Chickasaw Nations only citizens whose enrollment has been approved by the Secretary of the Interior can be permitted to make selections of allotments in the Choctaw and Chickasaw Nations.

It is believed that the Alfred R. Whaley and Thomas Kinghorn mentioned in our letter are the persons concerning whom your inquiry is made. If not, any further communication from you relative thereto will receive prompt attention.

Respectfully,

7-D-524

Muskogee, Indian Territory, October 13, 1904.

Jennie Kingborn,
Care of Thomas A. Kingborn,
Albany, Indian Territory.

Dear Madame:

In the matter of your application for enrollment as a citizen by intermarriage of the Choctaw Nation, you are informed that before said application can be given further consideration, it will be necessary for you to appear in person before the Commission to testify relative to your intermarried status on September 25, 1902.

For this purpose you are requested to appear in person at the office of the Commission at Muskogee, Indian Territory, as early as possible.

Respectfully,

Commissioner in Charge.

1

7-D-106

Muskogee, Indian Territory, October 31, 1904.

Jennie Kinghorn,

Albany, Indian Territory.

Dear Madam:-

Receipt is hereby acknowledged of the affidavits of Henry Byington and F. H. Clark in the matter of your application for enrollment as an intermarried citizen of the Choctaw Nation, and the same have been duly filed with the records of the Commission in this case.

Respectfully,

7-D-324

Muskogee, Indian Territory, November 28, 1904.

Hatchett & Hatchett,

Attorneys at Law,

Durant, Indian Territory.

Gentlemen:-

Receipt is hereby acknowledged of your letter of the 24th instant, stating that you represent Jennie Kinghorn, and you request to be advised relative to the status of her application for enrollment and what further proof, if any, is required therein.

You are advised it appears from the testimony of Jennie Kinghorn relative to her status as an intermarried citizen of the Choctaw Nation September 25, 1902, that she first married Daniel Graves and after his death Alfred Wright, both citizens by blood of the Choctaw Nation.

This testimony was taken on October 25, 1904, at which time Mrs. Kinghorn was advised that it would be necessary for her to furnish the affidavits of two disinterested persons relative to her marriage to said Graves and also two affidavits relative to her marriage to Alfred Wright.

On October 31, 1904, there was filed with the records in the case the affidavit of Henry Byington relative to her marriage

M. & M. #8

to Daniel Graves and also upon the same date the affidavit of P. W. Stark relative to her marriage to Alfred Wright.

Before further consideration can be given her application for enrollment, it will be necessary that she furnish the affidavit of one more witness to her marriage to Daniel Graves, also the affidavit of one more witness to her marriage to Alfred Wright. Such affidavits should be forwarded to this office with as little delay as possible.

Respectfully,

Commissioner in Charge.

7-D-326.

Muskogee, Indian Territory, August 15, 1904.

Jennie Kinghorn,

Albany, Indian Territory,

Dear Madam:

You are hereby notified that before further consideration can be given your application for enrollment as an intermarried citizen of the Choctaw Nation, it will be necessary for you to appear in person before the Commission to testify as to your intermarried status on September 25, 1902.

For this purpose you are requested to appear at Muskogee, Indian Territory, as soon as possible, or at the Land Office at Atoka, Indian Territory, on September the 6th or 7th, 1904, or at the Land Office at Tishomingo, Indian Territory, on September the 8th or 9th, 1904.

Respectfully,

Commissioner in Charge.

W.O.B.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

7-D-324

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, October 13, 1904.

Jennie Kinghorn,
Care of Thomas A. Kinghorn,
Albany, Indian Territory,

Dear Madam:-

In the matter of your application for enrollment as a citizen by intermarriage of the Choctaw Nation, you are informed that before said application can be given further consideration, it will be necessary for you to appear in person before the Commission to testify relative to your intermarried status on September 25, 1902.

For this purpose you are requested to appear in person at the office of the Commission at Muskogee, Indian Territory, as early as possible.

Respectfully,

Commissioner in Charge.

Durant, I. T. December 4th, 1904.

Commission to Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:-Enclosed you will find the affidavits of Frank Burris, relative to the marriage of Jennie Kinghorn to Alfred Wright and the affidavit of Abner Willis relative to the marriage of Jennie Kinghorn to Daniel Graves. This is in the citizenship case of Jennie Kinghorn, in her application for enrollment as an intermarried citizen of the Choctaw Nation, case no. 7-D-324.

I hope that these affidavits will be sufficient, and if not please inform me. You will see from these affidavits that the proof of marriage is made by the fact that the Indian husbands of Jennie Kinghorn were living with her in their life time, and that they lived together as man and wife, and conducted themselves as such, and that as soon as the first husband was dead, she married again.

From Jennie Kinghorn's statement of the case there were but one witness to the marriage with each of the two deceased husbands and you have received them heretofore. The Choctaw County Judge who married them is long since dead, and we are therefore compelled to prove the marriage by the kind of testimony we present herewith, except the affidavits of the two witnesses previously sent to you.

Yours truly,

Claud C. Matchett.

I-N-334

Muskogee, Indian Territory, December 9, 1904.

Claud C. Matchett,
Attorney at Law,
Durant, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of December 6, 1904, enclosing affidavits of Frank Burris and Abner Willis relative to the marriage of Jennie Kinghorn to Alfred Wright and to Daniel Graves, both Choctaw Indians, and the same have been filed with the record in the matter of the enrollment of Jennie Kinghorn as an intermarried citizen of the Choctaw Nation. In event further evidence is necessary to enable the Commission to pass upon this application you will be duly notified.

Respectfully,

Chairman.

Choctaw D 324.

Muskogee, Indian Territory, December 20, 1904.

Claude C. Hatchett,

Durant, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of December 16, inclosing affidavit of Pier Durant relative to the marriage of Jennie Kinghorn to Alfred Wright and the same has been filed with the record in the matter of the application of Jennie Kinghorn for enrollment as an intermarried citizen of the Choctaw Nation, in accordance with your request.

Respectfully,

Chairman.

Choctaw D 324

Muskogee, Indian Territory, December 24, 1904.

Commissioner in Charge,
Choctaw Land Office,
Atoka, Indian Territory.

Dear Sir:

There is inclosed herewith general office letter Number 49146-1904 from Claude C. Hatchett, Durant, Indian Territory, asking that the Choctaw Land Office be notified to permit Jennie Kinghorn to make application for land for the purpose of filing contest for the reason that her name did not appear upon the records of your office as an applicant for enrollment in the Choctaw or Chickasaw Nation.

You are advised that the name of Jennie Kinghorn appears upon Choctaw card Number D 324 as an applicant for enrollment as an intermarried citizen of the Choctaw Nation, and her final right to such enrollment has not yet been determined, but the Commission is now considering her application. She should, therefore, be permitted to make application for land for the purpose of instituting contest if she so desires, and Mr. Hatchett has this day been advised that upon the personal appearance of Jennie Kinghorn at your office such application would be received. You will, therefore, act in accordance with this information.

Respectfully,

Choctaw D 324

Muskogee, Indian Territory, December 24,1904.

Claude C. Hatchett,
Attorney at Law,
Durant, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of December 21, requesting that the Choctaw Land Office be notified that Jennie Kinghorn has an application for enrollment pending before the Commission and that she be permitted to make application for land for the purpose of filing contest.

In reply to your letter you are informed that the Choctaw Land Office has this day been notified that Jennie Kinghorn is an applicant for enrollment as an intermarried citizen of the Choctaw Nation, and that her rights have not been determined, and she will be permitted to make application for land for the purpose of instituting contest therefor upon her personal appearance at that office.

Respectfully,

Chairman.

Choctaw D 324.

Muskogee, Indian Territory, January 13, 1904.

R. L. Williams,

Attorney at Law,

Durant, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of January 8, asking the status of Thomas A. Kinghorn and his wife, Jennie Kinghorn.

In reply to your letter you are advised that the Commission has not yet passed upon the applications of Thomas A. Kinghorn and his wife, Jennie Kinghorn, for enrollment as intermarried citizens of the Choctaw nation, and it is impracticable, at this time, to say when the same will be taken up for consideration and determination. As soon as a decision is reached, however, you will be notified of the action taken therein. In the event further evidence is necessary to enable the Commission to determine the rights of these applicants, you will be so advised.

Respectfully,

Chairman.

Choctaw 3 324

Muskogee, Indian Territory, February 15, 1904.

Thomas A. Kingsbury,
Albany, Indian Territory.

Dear Sir:

You are hereby advised that under direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Choctaw and Chickasaw Nations dated January 23, 1904, no further action will be taken relative to your enrollment as an intermarried citizen of the Choctaw Nation until the Commission is further instructed by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

Choctaw D 324.

Muskogee, Indian Territory, April 24, 1906.

R. L. Williams,
Attorney at Law,
Durant, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of April 20, in which you express your willingness to forward such additional proof as may be necessary in the matter of the application for the enrollment of Thomas A. Kinghorn as an intermarried citizen of the Choctaw Nation.

In reply you are advised that this case is now receiving consideration but in the event additional testimony is necessary to determine the right of this applicant you will be duly notified. You will be advised of such action as is taken in this case.

Respectfully,

Commissioner.

7-D-324

Muskogee, Indian Territory, June 21, 1906.

COPY.

Thomas A. Kinghorn,

Albany, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered June 21, 1906, denying the application for your enrollment as a citizen of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED

Tams Bixby

Commissioner.

Registered.

Incl. 7-D-324

7-D-324

Muskogee, Indian Territory, June 21, 1906.

COPY.

R. L. Williams,

Durant, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered June 21, 1906, denying the application for the enrollment of Thomas A. Kinghorn as a citizen by intermarriage of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary, will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED
Tams Bixby
Commissioner.

Registered.

Incl. 7-D-324.

7-D-324

Muskogee, Indian Territory, June 21, 1906.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered June 21, 1906 denying the application for the enrollment of Thomas A. Kinghorn as a citizen by intermarriage of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED

Tams Bixby

Commissioner.

Incl. 7-D-324

Muskogee, Indian Territory, June 21, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the matter of the application for the enrollment of Thomas A. Kinghorn as a citizen by intermarriage of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, rendered June 21, 1906, denying said application.

Respectfully,

Tams Bixby

Commissioner.

2 Encl. 7-D-324

Through the
Commissioner of Indian Affairs.

7-D-324

Muskogee, Indian Territory, July 21, 1906.

R. L. Williams,

Attorney at Law,

Durant, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of July 13, 1906, enclosing petition, in duplicate, in the matter of the application for the enrollment of Thomas A. Kinghorn as an intermarried citizen of the Choctaw Nation. You ask that same be forwarded to the Secretary of the Interior in connection with the record in this case.

In reply you are advised that on June 21, 1906, a decision was rendered refusing the application of Thomas A. Kinghorn for enrollment as an intermarried citizen of the Choctaw Nation, and the petition enclosed with your letter has this day been transmitted to the Secretary of the Interior for consideration in connection with said case.

Respectfully,

Commissioner.

Muskogee, Indian Territory, July 21, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

June 21, 1906, the Commissioner to the Five Civilized Tribes transmitted the record in the matter of the application of Thomas A. Kinghorn for enrollment as an intermarried citizen of the Choctaw Nation, together with his decision of that date refusing same.

I now have the honor to transmit herewith petition filed by R. L. Williams, attorney at law, Durant, Indian Territory, for consideration in connection with this case.

Respectfully,

Through the Commissioner of Indian Affairs.

Commissioner.

7-D-324

Refer in reply to the following.

Land
53220-1906.
63049- "

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS
WASHINGTON

December 6, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letters of May 24, 1906 (I.T.D. 46) and January 28, 1905 (I.T.D. 11582-1904), there is enclosed a report from the Commissioner to the Five Civilized Tribes, dated June 21, 1906, transmitting the record relative to the application of Thomas A. Kinghorn as a citizen of the Choctaw Nation.

On August 15, 1899, Thomas A. Kinghorn applied to the Commission to the Five Civilized Tribes for enrollment as a citizen by intermarriage.

On June 21, 1906, the Commissioner held that the applicant was not entitled to such enrollment.

The record shows that the applicant claimed his right to enrollment as a citizen by intermarriage by virtue of his marriage to Jennie Kinghorn (nee Wright), who possessed no Choctaw blood, but who is identified at No. 1372, on a list prepared by the Commission under the provisions of the Act of July 1, 1902 (32 Stat. L., 641), of persons entitled to enrollment as citizens by intermarriage of the Choctaw Nation and approved by the Department on March 14, 1905.

The record further shows that on September 7, 1898, in the case entitled "Thomas Kinghorn vs. Choctaw Nation" (1896 Choctaw Citizenship Docket, Case No. 281), application was made to the Commission under the provisions of the Act of June 10, 1896 (29 Stat. L., 321), for the enrollment of the applicant as a citizen by intermarriage of the Choctaw Nation and on December 2, 1896, the Commission decided that the applicant was entitled to such enrollment. No appeal was taken from this decision.

On July 16, 1906, a petition was filed by R. L. Williams, attorney for the applicant, asking that the decision of the Commissioner be reversed and that the brief submitted by the applicant's attorney in the case of Mary Elizabeth Martin be considered in this case.

As there seems to be no controversy in regard to the facts involved, it appears that the decision of the Commission of December 2, 1896 was clearly erroneous in view of the opinion of the Assistant Attorney General for the Department in the case of Emma McManamin in Department letter of January 28, 1905 (I.T.D. 11582-1904) and as the Assistant Attorney General for the Department has also rendered an opinion in the case of Hayne Helms in Department letter of May 24, 1906 (I.T.D. 46), in which it is held that the Commissioner has authority under the provisions of the Act of June 28, 1898 (30 Stat. L., 495), to purge the tribal rolls and correct a manifest error, the Commissioner's decision adverse to the applicant is recommended for approval.

Very respectfully,

Acting Commissioner.

7-D-324

COPY

Muskogee, Indian Territory, January 28, 1907.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

I inclose herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 28, 1907, denying the application for the enrollment of Thomas A. Kinghorn as a citizen by intermarriage of the Choctaw Nation.

The decision, with the proceedings in the case is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby

Commissioner.

7-D-324.

7-D-324

COPY

Muskogee, Indian Territory, January 28, 1907.

Thomas A. Kinghorn,

Albany, Indian Territory.

Dear Sir:

I inclose herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 28, 1907, denying the application for your enrollment as a citizen by intermarriage of the Choctaw Nation.

The decision, with the proceedings in the case is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Registered.
7-D-324.

COPY

Muskogee, Indian Territory, January 28, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith record of proceedings in the matter of the application for the enrollment of Thomas A. Kinghorn as a citizen by intermarriage of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated January 28, 1907, denying said application.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Through the
Commissioner of Indian Affairs.

7-D324.

7-D-324

COPY

Muskogee, Indian Territory, January 28, 1907.

R. L. Williams,

Durant, Indian Territory.

Dear Sir:

I inclose herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 28, 1907, denying the application for the enrollment of Thomas A. Kinghorn as a citizen by intermarriage of the Choctaw Nation.

The decision, with the proceedings in the case is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Registered.
7-D-324

GR

O.K.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

D.C. 9961-1907.
I.T.D. 21522-1906.

February 16, 1907.

LNS

Direct.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

In accordance with the approved opinion of the Assistant Attorney General for this Department, dated January 28, 1905 (I.T.D. 11582-1904), in the Choctaw intermarried enrollment case of Emma McMenamin, and in conformity with the approved opinion of the Assistant Attorney General of this Department of May 24, 1906 (I.T.D. 9674), in the Chickasaw intermarried enrollment case of Hayne Nelms, your decision of June 21, 1906, denying the application of Thomas A. Kinghorn for his enrollment as an intermarried citizen of the Choctaw Nation is hereby affirmed. Copy of Indian Office letter of December 6, 1906 (Land 63049-1906), recommending above action, is enclosed.

The petition of attorney for applicant that such case be referred to the Attorney General for his opinion is hereby denied.

You will advise applicant and his attorney of this action. The record has this day been returned to the files of the Indian

Office, together with a certain copy hereof.

Respectfully,

Thos. Ryan

First Assistant Secretary.

1 inc. and 4 inc.
to Ind. Of.

A.F.Mc.
2-18-07.

Office, together with a carbon copy hereof.

Respectfully,

Thos. Ryan

First Assistant Secretary.

1 inc. and 4 inc.
to Ind. Of.

A.F.Mc.
2-18-07.

1907

Land.
10190-1907

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS.
WASHINGTON, February 26, 1907.

The Honorable,

The Secretary of the Interior,

Sir:

There is enclosed the record of proceedings in the matter of the application for the enrollment of Thom as A. Kinghorn as a citizen by intermarriage of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated January 28, 1907, adverse to the applicant.

The record shows that application was made for the enrollment of Thomas A. Kinghorn as a citizen by intermarriage of the Choctaw Nation within the time limited by law. The record further shows that the applicant claims his right to enrollment as a citizen by intermarriage by virtue of his marriage in 1891 to Mrs. Jennie Wright, who has been enrolled as a citizen by intermarriage of the Choctaw Nation.

Commissioner Bixby reports that it does not appear from the records of his office that the applicant has ever been recognized or enrolled by the Choctaw tribal authorities or admitted to Choctaw citizenship by any duly constituted authority. Therefore by reason of the provisions of the Act of June 28, 1898 (30 Stat. L. 495), the Office concurs in the decision of Commissioner Bixby denying the enrollment of the applicant as a citizen by intermarriage of the Choctaw Nation.

Very respectfully,

C. F. Larrabee
Acting Commissioner.

EMS-D

Muskogee, Indian Territory, February 27, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

On January 28, 1907, this office transmitted to the Department the record in the matter of the application for the enrollment of Thomas A. Kinghorn as an intermarried citizen of the Choctaw Nation, together with the decision of the Commissioner of the same date denying said application.

The record in said case shows that application was made for the enrollment of the applicant to the Commission to the Five Civilized Tribes on August 15, 1899; that said applicant was admitted to citizenship in the Choctaw Nation on December 2, 1896 by the Commission to the Five Civilized Tribes under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321); that from this decision of the Commission no appeal was taken.

The record herein further shows that said applicant was a resident in good faith of Indian Territory on June 28, 1898.

In view of the opinion of the Attorney General for the United States dated February 19, 1907, in the matter of certain citizenship cases submitted to him for consideration by the

Secretary of the Interior, the action of the Commissioner of January 26, 1907, denying the applicant the right to enrollment as a citizen by intermarriage of the Choctaw Nation is hereby rescinded.

I am of the opinion that in accordance with the opinion above referred to, the applicant Thomas A. Kinghorn should be enrolled as a citizen by intermarriage of the Choctaw Nation under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

Respectfully,

Commissioner.

Through the

Commissioner of Indian Affairs.

17-D-324.

Muskogee, Indian Territory, March 1, 1907.

R. L. Williams,

Attorney at law,

Durant, Indian Territory.

Dear Sir:

You are hereby notified that on February 16, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes of June 21, 1906, denying the application for the enrollment of Thomas Kinghorn as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

Commissioner.

~~17-D-304~~

7-3887

Muskogee, Indian Territory, March 1, 1907.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on February 16, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes of June 21, 1906, denying the application for the enrollment of Thomas A. Kinghorn as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

Commissioner.

GR

O.K.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

DC No. 12284-1907
I.T.D. 5298-1907.

March 1, 1907.

LRS

Direct.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

In accordance with the opinion of the Attorney General of the United States, of February 19, 1907, in the consolidated case of William C. Thompson et al., your decision of January 28, 1907, denying the application of Thomas A. Kinghorn for his enrollment as an intermarried citizen of the Choctaw Nation, is hereby reversed, inasmuch as Thomas A. Kinghorn is shown to have been admitted to enrollment as an intermarried citizen of the Choctaw Nation on December 2, 1896, by the Commissioner to the Five Civilized Tribes, under the Act of June 10, 1896, "from which decision no appeal was taken". It would seem that under the opinion of the Attorney General aforesaid, said decision became final and conclusive, and is not reviewable under the Act of June 28, 1898, as claimed by you.

You are directed, in accordance with the above opinion, to enroll Thomas A. Kinghorn as an intermarried citizen of the Choctaw Nation.

The papers in the case and a carbon copy hereof

have been returned to the files of the Indian Office.

Respectfully,

Jesse E. Wilson
Assistant Secretary

1 inc. and 2 inc.,
for Ind. Of.

A. F. Mc
3-1-07

DC 12284-1907

COPY

Land.
10190-1907

DEPARTMENT OF THE INTERIOR.

OFFICE OF INDIAN AFFAIRS.

WASHINGTON. February 26, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed the record of proceedings in the matter of the application for the enrollment of Thos as A. Kinghorn as a citizen by intermarriage of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated January 28, 1907, adverse to the applicant.

The record shows that application was made for the enrollment of Thomas A. Kinghorn as a citizen by intermarriage of the Choctaw Nation within the time limited by law. The record further shows that the applicant claims his right to enrollment as a citizen by intermarriage by virtue of his marriage in 1891 to Mrs Jennie Wright, who has been enrolled as a citizen by intermarriage of the Choctaw Nation.

Commissioner Bixby reports that it does not appear from the records of his office that the applicant has ever been recognized or enrolled by the Choctaw tribal authorities or admitted to Choctaw citizenship by any duly constituted authority. Therefore by reason of the provisions of the Act of June 28, 1898 (30 Stat. L. 495), the Office concurs in the decision of Commissioner Bixby denying the enrollment of the applicant as a citizen by intermarriage of the Choctaw Nation.

Very respectfully,

C. F. Larrabee
Acting Commissioner.

EEM-D

SPECIAL

DEPARTMENT OF THE INTERIOR,
WASHINGTON

D.C.17300
I.T.D. 7872-1907.
L.R.S.
DIRECT.

J.P.
FHE

March 4, 1907.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

In accordance with your recommendation of February 27, 1907, your decision adverse to Thomas A. Kinghorn, applicant for enrollment as an intermarried citizen of the Choctaw Nation, is reversed, his application for enrollment is granted, and the schedule submitted with your letter of February 27, 1907, bearing his name, is approved, and will be disposed of in the usual manner.

Respectfully,

E. A. Hitchcock,

Secretary.

Enc. and
for Ind. Of. with
copy hereof.
McM-3-5-07.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

D.C.16811
I.T.D. 8608-1907.
L.R.S.

J.P.
LLB

March 19, 1907.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Your representative, Mr. McGarr, in communication of the 13th instant, called attention to the fact that in view of departmental letter to you of March 4, 1907, the name of Thomas A. Kinghorn had been placed upon a schedule of citizens of the Choctaw Nation by marriage prepared by him, opposite No. 1663, which schedule was approved by the Department March 4, 1907.

It appears that on February 27, 1907, you transmitted a schedule containing thename of Kinghorn, which was approved by the Department March 4, 1907. Consequently, this applicant has a duplicate enrollment, except that the last schedule approved has not been given a roll number. Under the circumstances such schedule will be considered of no effect. The party will stand enrolled at No. 1663 on the schedule prepared by your representative. A copy of his letter has been sent to the Indian Office with this letter.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

Through the Commissioner
of Indian Affiars.
1 inc. to Ind. Of.

Muskogee, Indian Territory, April 11, 1907.

Thomas A. Kinghorn,

Albany, Indian Territory,

Dear Sir:

You are hereby advised that on March 4, 1907, the Secretary of the Interior approved the enrollment of Thomas A. Kinghorn as a citizen by intermarriage of the Choctaw Nation, and his name appears upon the final roll of such citizens opposite No. 1663.

You are now entitled to an allotment and application therefor should be made without delay at the Land Office for the nation in which the prospective allotment is located.

Respectfully,

Acting Commissioner.

7-5887

Muskogee, Indian Territory, April 11, 1907.

R. L. Williams,
Attorney at Law,
Durant, Indian Territory,

Dear Sir:

You are hereby advised that on March 4, 1907, the Secretary of the Interior approved the enrollment of Thomas A. Kinghorn as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

Acting Commissioner.

COPY

Land.
10190-1907

DEPARTMENT OF THE INTERIOR.

OFFICE OF INDIAN AFFAIRS.

WASHINGTON. February 26, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed the record of proceedings in the matter of the application for the enrollment of Thom as A. Kinghorn as a citizen by intermarriage of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated January 28, 1907, adverse to the applicant.

The record shows that application was made for the enrollment of Thomas A. Kinghorn as a citizen by intermarriage of the Choctaw Nation within the time limited by law. The record further shows that the applicant claims his right to enrollment as a citizen by intermarriage by virtue of his marriage in 1891 to Mrs Jennie Wright, who has been enrolled as a citizen by intermarriage of the Choctaw Nation.

Commissioner Bixby reports that it does not appear from the records of his office that the applicant has ever been recognised or enrolled by the Choctaw tribal authorities or admitted to Choctaw citizenship by any duly constituted authority. Therefore by reason of the provisions of the Act of June 28, 1898 (30 Stat. L. 495), the Office concurs in the decision of Commissioner Bixby denying the enrollment of the applicant as a citizen by intermarriage of the Choctaw Nation.

Very respectfully,

C. F. Larrabee
Acting Commissioner.

EMM-D

CIOC 5288 [illegible]

Trans from CIOC D-347, Jan 15, 1945

5288

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment as citizens by blood of the Choctaw Nation of--

ARI ANNA F. EDENS, ET AL. 7-D-347.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
ATOKA, INDIAN TERRITORY, DECEMBER 8, 1900.

Choctaw D. 347.

In the matter of the application for enrollment as a citizen of the Choctaw Nation of Arianna F. Edens.

Contention of Choctaw Nation.

Question of Residence.

Arianna F. Edens, having been first duly swor n by Acting Chairman Bixby, testifies in her own behalf, as follows:

Examination by J. G. Ralls, attorney.

Q How old are you? A Twenty four.
Q What is the name of your mother? A Mrs. William R. Senter. Her name was Mrs. C. H. Lewis when she was enrolled on the Choctaw roll.
Q What was your father's name? A C. H. Lewis.
Q What is your mother's full name? A Lavinia Stewart Senter, it is now, Lavinia Stewart Lewis it was then.
Q Is she on the Choctaw roll? A Yes sir.
Q State whether or not she and you with your sisters and brothers were admitted to citizenship by an act of the Choctaw council?
A Yes sir, we all were.
Q About how long ago has that been? A About thirteen years as close as I can -- that was in 1887.
Q Where is your father now? A In East Tennessee.
Q Where is your mother? A She is on Boggy.
Q In the Choctaw Nation? A Yes sir.
Q They separated, did they? A Yes sir.
Q How long since they separated? A Thirteen years ago; they separated when they came out here.
Q Just state to the Commission, Mrs. Eden, what part of the time you have spent in the Choctaw Nation, and what part of the time out of the Choctaw Nation, and why it was you were out of the Choctaw Nation when you were absent. A When Mamma brought us out in '67 she and my father separated and she married then this Mr. Senter, and we children didn't agree and my father sent for us and most of us went to him; and then I married the first time and we came out here and I was here then three years and then Mamma and my step father broke up housekeeping and went to Tuskahoma to teach and work there in the Tuskahoma school and I hadn't any place to stay, and I stayed with neighbors until my father sent for me again in about a month after that; that was in May 189-- I don't remember just exactly, 1893.
Q Where was your husband during this time? A He left here and went from here to Texas and from Texas to Mexico.
Q You were separated then were you? A Yes sir, and Mr. Telle got my divorce in Choctaw law.
Q In Choctaw courts, you mean? A Yes sir.
Q Then after your mother and stepfather broke up housekeeping you returned to your father in Tennessee? A Yes sir.
Q And how long did you remain there? A About two years.
Q During the time were you married again? A I married then after I was there two years.

Q Then when did you return to the Choctaw Nation? A In 1894.
Q 1894? A No, I didn't; we were married in 1894, we didn't return until 1897.
Q 1897? A It was our intention to come; we started the year before and we were prepared to come and fixed to come when I took sick, that was before, the summer before the Curtis Bill took effect and we could not come until the fall after.
Commission: That would be the fall of '98? A '98.
Q Now, when you left here, Mrs. Edens, was it your intention to to return? A Yes sir, it was my intention to return; I had a place here but it could not support me.
Q You owned a place in the Choctaw Nation at the time? A Yes sir, but it was not worth anything.
Q It was just a matter of convenience that you returned to stay with your father? A Yes sir, my father wanted me to come because I had no place to stay here, I had no relatives but my mother here.
Q How many children have you? A Two.
Q I believe you gave their names when you were before the Commission before? A The oldest one; my last one has been born since.
Q Since you r application? A Yes sir, but I am afraid I sent it in wrong, I sent it in Annie Edens, I have always been called Annie at home.
Commission? John J. A Yes sir.
Q How many of you were admitted by that act of council? A Why three girls and three boys, seven with my mother.
Q Do you remember the name by which you were admitted? A Arianna Lewis.
Q Has it ever been your intention to abandon the Choctaw Nation?
A No sir, we was coming as soon as we could get able and could come.
Q Always expected to make this your home when you were able to have a home? A Yes sir.
Q Your father still in Tennessee is he? A Yes sir. He is married again; that is his home.
Q He had a place to provide for you? A Yes sir, he had a good home, and took care of me while I was there.

Cross-Examination by Mr. Cornish.

Q From the time you first came to the Choctaw Nation twelve or thirteen years ago, from that time up to the time you returned with your husband in the fall of 1898, how much time did you actually spend in the Choctaw Nation? A From the time we first came out here?
Q Yes, from the time you first came out here twelve or thirteen years ago, until you returned in the fall of 1898? A About five years.
Q I think you misunderstand my question. From the time you came here the first time up to the time you returned with your husband in the fall of 1898, how much of the time did you spend in the Choctaw Nation? A Three years.
Q How much time did you spend in the Choctaw Nation when you first came out? A Eight months.
Q Then that would leave about two years and two months; where did you spend that time? A With my mother until I married my first husband.
Q Where did you marry him? A In Tennessee; we came right out.
Q When did you come to the Choctaw Nation to spend that two years and two months after you separated from your first husband? A 1891.
Q You remained here then about three years? A Yes sir.
Q Then you returned to Tennessee? A Yes sir.
Q And remained in Tennessee until the fall of 1898? A Yes sir.
Q You married both times in Tennessee? A Yes sir.
Q Did either of your husbands come with you to the Indian Territory?
A Yes sir they both came.

We came out to locate when I first married and then we separated.
Q Are you separated from your second husband at this time? A No sir.
Q You are living with him? A Yes sir.
Q Where? A At Bokchito.
Q In Choctaw Nation? A Yes sir.
Q Have you lived with him continuously since you came here in the fall of 1898, the last time? A Yes, we have lived on a place near Durant, that is the way we enrolled last summer, we give our place as Durant.
Q Have you lived anywhere else except somewhere in the Choctaw Nation since the fall of 1898? A No sir.
Q Where were you ~~xx~~ in the year 1898 up to the you arrived here in the fall of 1898, from the first of the year up to the you arrived in the fall of 1898? A In the fall when I came out here?
Q Now where did you live in the year 1898 up to the time you arrived here; from the first of the year-- A I don't understand.
Q You arrived in the Indian Territory in fall of 1898? A Yes sir.
Q Up to the time you arrived here in the fall of 1898 where did you live? A YTennessee.

Re-direct Examination.

Q Mrs. Edens were you enrolled by the Choctaw Commission when they were making up the leased district roll? A Yes sir.
Q What name? A Arianna Edens.
Q Arianna Edens? A No, Arianna Lewis; I guess it was Arianna Lewis, I kept my name when I got my divorce.
Q Was the leased district money drawn for you? A Yes sir.
Q Were you placed on the Choctaw roll taken in 1896 when they were making up this last roll? A Yes sir.
Q Your sisters and brothers are still living here in the Choctaw Nation? A Yes sir.
Q Did any of your other sisters ever go back to live with your father a while? A Yes sir.
Q They returned to the Nation, too? A Yes sir, they returned a good while ago; my sister had a place here and enough to support her and she has been here the most of the time; and then my younger sister has been in at school at Tuskahoma.
Q In the Choctaw school? A Yes sir.

Second Cross Examination.

Q Mrs. Edens, you state that before the Curtis Act went into effect you stated then you and your husband started to the Indian Territory? A Yes sir.
Q How did you start? A Why, I tell you we packed up everything and was ready to start and had our tickets, the agent had brought our tickets to us and I took sick and was not able to come from that for over a year.
Q Did you know or have reason to believe that the Curtis Act which then being formed would contain a provision-- A Didn't know anything about it. We intended to come; there was good business in Bokchito and my husband had contracted to come and buy a gin and when I took sick he could not come.
Q Then you had no reason to believe that the Curtis Bill, which was then being formed would contain a provision requiring residence in the Indian Territory? A No sir.
Commission: Did you ever go by the name of Fannie Edwards? A No sir.

Witness excused.

Arianna F. Edens, recalled to correct a statement made by her testifies as follows:

Q What is your age? A Twenty seven.

Arianna F. Edens-4.

Anna Bell, having been duly sworn, on her oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full the proceedings had in the above entitled cause on the 8th day of December, 1900, and the above and foregoing is a full true and correct transcript of her stenographic notes in said cause on said date.

Anna Bell

Subscribed and sworn to before me this 10th day of December, 1900.

Acting Chairman.

BILL NO.13.

AN ACT
ESTABLISHING THE CITIZENSHIP OF
LAVINA S. LEWIS.

TUSHKAHOMA, C.N., OCT. 27,1887.

TO THE GENERAL COUNCIL:

Your committee to whom was referred the application of Mrs Lavina S. Lewis for citizenship in the Choctaw Nation would most respectfully report the following act in reference thereto and recommend its passage,

An Act to establish the citizenship of Lavina S. Lewis and family,

Be It Enacted by the General Council of the Choctaw Nation Assembled: That the rights of Lavina S. Lewis, formerly Lavina Stewart, and her husband Chas. H. Lewis, and their children Charles S. age 21, Florence E. age 17; Arianna F. age 15; Rush C. age 13; Dora L. age 11,and James F. age 15 months, to citizenship in the Choctaw Nation, are hereby established, and they are hereby declared to be entitled to all the rights and privileges as such, and this act shall take effect and be in force from and after its passage.

Reuben Jackson, Ch'm'n Com. on Citizen'p

Approved October 29, 1887.

T. McKinney, P. C. C. N.

This is to certify that the above and foregoing is a full, true and correct copy of the original act of the Choctaw General Council, the same being now on file in the offive of the National Secretary of the Choctaw Nation.

IN TESTIMONY WHEREOF, I, Seloman J. Homer, National Secretary aforesaid have hereunto affixed my official signature and the Seal of the Choctaw Nation, this the 8th day of March, One thousand Nine Hundred and One.

Seloman J. Homer
National Secretary.

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

ARIANNA EDENS, et al.,--Plaintiffs, |
-vs- | AFFIDAVIT.
THE CHOCTAW NATION, - --Defendant. |

On this day personally appeared before me, the undersigned authority, ARIANNA EDENS, to me personally well known who having been first duly sworn, according to law, states on her oath that she is Thirty years of age, a Choctaw Indian by blood, and a bona fide resident of Blue County, Choctaw Nation, and that she has been such resident for the last past Fifteen years.

Affiant states that about Fifteen years ago she was duly and legally admitted to citizenship as a Choctaw Indian by blood, by an Act of the Choctaw Council, and that said act is in full force and effect. And affiant further states that she has heretofore appeared before this Commission and given her oral testimony, with regard to her residence &c., and that while the Commission was in session at Atoka, during the week commencing November 17th, 1902, she appeared at Atoka for the purpose of going before said Commission, and that she was advised that inasmuch as her case had been contested by the Choctaw Commissioners, on account of her residence, that her case would not be heard, and that it was useless for her to remain to go before the Commission while here.

Affiant states that she is still a bona fide resident of the Choctaw Nation, owns a farm in Blue County, and does now, and has ever since her admission to citizenship expected to make the Choctaw Nation her bona fide residence.

Affiant states that she makes this affidavit so that if any question should arise in her case the Commission may know that she is still a bona fide resident of Blue County, Choctaw Nation, and that her postoffice is at this time ~~Bennington~~, I. T.
Boktchito I.T.

Ida Anna F Edens.

Subscribed and sworn to before me on this the 21 day of November, A. D., 1903.

F. A. McAleer
Notary Public.

7-D-347.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Ari Anna F. Edens and her three minor children, Wilkie Hammit, John J. Edens and Hester Lorine Edens, as citizens by blood of the Choctaw Nation.

--: D E C I S I O N :--

It appears from the census card record in this case that on August 22, 1899 Ari Anna F. Edens appeared before the Commission and made personal application for the enrollment of herself and her minor son, Wilkie Hammit, as citizens by blood of the Choctaw Nation. Subsequently on June 16, 1900 and November 9, 1901, respectively, there were filed with this Commission written applications for the enrollment of John J. Edens and Hester Lorine Edens, born June 8, 1900 and October 2, 1901, respectively, minor children of the applicant, Ari Anna F. Edens, and C. W. Edens, a white man having no rights of Choctaw citizenship by blood. Further proceedings were had in this case at Atoka, Indian Territory on December 8, 1900 and at Muskogee, Indian Territory on April 9, 1902.

It appears from the record herein that the principal applicant, Ari Anna F. Edens, was admitted to citizenship in the Choctaw Nation by an act of the General Council of said nation approved October 29, 1887 and that she claims rights as citizens by blood of the Choctaw Nation for herself and the minor applicants herein by virtue of her said admission and of the subsequent recognition of herself and children as citizens of the Choctaw Nation by the tribal authorities of said nation.

Upon an examination of the tribal rolls in the possession of the Commission the applicants, Ari Anna F. Edens and Wilkie Hammit, are identified upon the 1893 Choctaw Leased District Payment Roll, Blue County, page 74, numbers 784 and 785, respectively and upon the 1896 Choctaw Census Roll, Blue County, numbers 3816 and 5867, respectively, enrolled on said rolls as citizens by blood of said nation. The applicants, John J. Edens and Hester Lorine Edens, having been born subsequent to the preparation of said 1896 Choctaw Census Roll, are identified by proper birth certificates filed with and made a part of the record in this case.

It further appears from the record herein that the principal applicant, Ari Anna F. Edens (then fifteen years old), first removed to the Choctaw Nation with her mother in 1887; that she lived with her said mother in the Choctaw Nation for about eight months when, her father and mother having separated, she went to Tennessee to live with her said father; that the principal applicant resided in Tennessee for about two years, when she was married and removed with her husband, Charles Hammit, the father of the minor applicant, Wilkie Hammit, to the Choctaw Nation where she resided until 1893; that, she having been separated and divorced from her said husband and having no sufficient means of support, she returned to her father in Tennessee where she resided until the fall of 1898 when she again returned to the Choctaw Nation, since which time up to and including September 25, 1902 the principal applicant and the minor applicant, Wilkie Hammit, have resided continuously in the Choctaw Nation and that the principal applicant since her admission to citizenship in the Choctaw Nation by the General Council of said nation in 1887 has considered the Choctaw Nation as her home and maintained her residence therein.

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of Joseph D. Yeargain, et al. (I.T.D. 2900-1903), Ari Anna F. Edens, Wilkie Hammit, John J. Edens and Hester Lorine Edens should be enrolled as citizens by blood of the Choctaw Nation in accordance with the provisions of the acts of Congress approved June 28, 1898 (30 Stat., 495) and July 1, 1902 (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

JAN 2 1905

Before the Commission to the Five Civilized Tribes.

Choctaw Nation, Plaintiff,

vs

Arianna F. Biens et al Defts. : Brief in Behalf of Defendants
No. D. 347

STATEMENT OF CASE.

The records in this case show that the defendant, Aianna F. Biens, is 37 years of age and the daughter of Mrs. William R. Senter whose first husband was Chas. H. Lewis. The other defendants are the minor children of the defendant Arianna F. Biens.

On the 27th day of October 1887, the General Council of the Choctaw Nation, passed an act admitting to citizenship Lavina S. Lewis nee Lavina Stewart, and her husband and their children, Chas. S., Florence E., Arianna F., Rush C., Dora L. and James F. to citizenship in the Choctaw Nation. This act was duly approved on the 29th day of October 1887, by T. McKinney, Principal Chief of the Choctaw Nation. The Arrianna F. Lewis mentionned in this act, is the Arianna F. Biens in this case.

The defendant, Arianna F. Biens and her oldest child, Wilkie F. Hamnitt, were enrolled by the Choctaw authorities on the Leased District Roll in 1893, and drew their Leased District money. They still remain upon that roll; and again they were enrolled by the Choctaw authorities in 1896, and their names remain upon that roll.

Mrs. Biens was first married to a white man named Chas. Hamnitt and by that marriage, the defendant, Wilkie Hamnitt, was born. She and her husband separated, and she procured a divorce in the Choctaw courts; Mr. A. Tolle represented her in the suit. She was afterwards married to her present husband, Chas. W. Biens, by this marriage there was born, on the 8th day of June 1900, the other defendant, John J. Biens. Both of her children were born in the Choctaw Nation.

Mrs. Biens came to the Choctaw Nation with her mother, brothers

and sisters in 1887. Her father and mother has separated, and her mother brought them to this country and procured the passage of the act of the General Council above referred to; her mother was afterwards married to Mr. William H. Senter, and she and her children have made the Choctaw Nation their permanent home since coming here.

After the separation of Mrs. Edens and her first husband, she went back to Tennessee with some of her brothers and sisters, at the request of her father, and remained with him for a while; none of them intended to abandon their homes in the Choctaw Nation. At the date of the passage of the Curtis Bill, Mrs. Edens was in the Tennessee; but owned a place in the Choctaw Nation and she still claims this as her permanent home.

In Mrs. Edens examination before the Commission touching her intention to abandon her home in the Choctaw Nation, she states as follows:

" Q Now when you left here, Mrs. Edens, was it your intention to return A Yes sir, it was my intention to return; I had a place here and it couldn't support me.

Q Has it ever been your intention to abandon the Choctaw Nation? A No sir, we was coming as soon as we could get able and could come

Q Always expected to make this your home when you were able to have a home A Yes sir."

On cross examination in answer to a question propounded by the attorney for the Choctaw and Chickasaw Nations, she states as follows:

Q From the day you first came to the Choctaw Nation, 12 or 13 years ago, from that time up to the time you returned with your husband in the fall of 1898, how much time did you actually spend in the Choctaw Nation? A From the time we first come out here?

Q Yes, from the time you first came out here, 12 or 13 years ago, until you returned in the fall of 1898? A About five years

Q Mrs. Edens, you state that before the Curtis Act went into effect you stated then, you and your husband started for the Indian Territory. A Yes sir.

Q How did you start? A Why, I tell you, we packed up everything

and was ready to start; had our tickets, the agent had brought our tickets to us, and I took sick and was not able to come from that time for over a year.

Q Did you know, or have any reason to believe, that the Curtis Act, which was then being formed, would contain a provision A Didn't know anything about it, we intended to come; there was good business in Bokohito, and my husband had contracted to come and buy a Gin, and when I took sick he couldn't come.

Q Then you had no reason to believe that the Curtis Bill, which was then being formed, would contain a provision requiring residence in the Territory A No sir.

BRIEF AND ARGUMENT.

- - -

The contention of the attorneys for the Choctaw and Chickasaw Nations is, that the defendants had not established a bona fide residence in the Choctaw Nation prior to the passage of the Curtis Bill. Section 21 of the Curtis Bill, reads as follows: "Section 21 x x x x No person shall be enrolled, who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship. x x x "

We contend that the records in this case shows, that the defendant, Mrs. Edens, came to this country in 1887, while only 15 years of age, and that they established a bona fide residence in the Choctaw Nation, and there is nothing in the record to indicate she had ever abandoned, or intended to abandon the Choctaw Nation as her permanent home. Having once established a residence in the Choctaw Nation, the law presumes that residence remains until there is clear testimony showing that it has been abandoned.

It is a matter of which this Commission will take judicial notice, that the Choctaw Council required applicants to be bona fide residents of the Choctaw or Chickasaw Nations, before it would admit them to citizenship.

No action was ever taken by the Choctaw authorities, to have the names of Mrs. Edens and her oldest son, stricken from the Choctaw rolls.

No. D. 347.

Choctaw Nation, plaintiff

vs

Ariadna F. Eddins and William F. Hamnitt, Defendants.

Brief in Behalf of Defendants.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
APR 10 1902

J. G. Ralls Atty for defendants

In conclusion, we submit that equity permits that Mrs. Simms and her children be enrolled, and that the Choctaw and Chickasaw Nations cannot be heard to deny their rights to be enrolled, in the face of the action of the Choctaw Nation. The Curtis Bill was not intended to deprive persons of citizenship; but was directed more especially at those non-resident claimants who had not been admitted to citizenship by the United States Courts for the Southern District.

Very respectfully submitted.

J. G. Raley

Attorney for defendants.

Department of the Interior.

Commission to the Five Civilized Tribes.

In the matter of the application of Arianna F. Edens for the enrollment of herself and her three minor children, Wilkie Hammit, and John J. and Hester Lorine Edens, as citizens by blood of the Choctaw Nation. ---D 347---

On the first day of March, 1902, the principal applicant was notified by registered mail, and on the 8th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were notified by registered mail, that the application of Arianna F. Edens, Wilkie Hammit, John J. Edens, and Hester Lorine Edens, for enrollment as citizens of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 9th day of April, 1902, for final consideration.

Now, on this 9th day of April, 1902, this cause coming on to be heard pursuant to said notice, the following appearances were made:

APPEARANCES:

The applicants appear by their attorney, J. G. Ralls, : Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations.

STATEMENT BY COUNSEL:

Mr RALLS: We will submit this case upon the record, but ask permission to file certified copy of the act of the Choctaw Council admitting the principal applicant to citizenship.

BY THE COMMISSION:

Permission is granted the attorney for the applicants to file such certified copy of the act of the Choctaw Council; and this case will be considered by the Commission upon the record as made up.

----o----

Harry C Risteen, being first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 9th day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Harry C Risteen.

Subscribed and sworn to before me this 11th day of April, 1902.

Chas. Mansfield

Commission to the Five Civilized Tribes,

Caddo, Indian Territory.

In the enrollment of Arianna Edens and child as Choctaws; being sworn and examined by Com'r McKennon she testifies:

Q What is your name? A Arianna Edens.

Q How old are you? A Twenty-seven.

Q When did you first come here? A Twelve years ago.

Q How long did you remain here then? A All the summer, about eight months.

Q Then you went back with your father? A Yes sir, and staid two years, and married and came out here then.

Q Then how long did you remain? A Two years.

Q Then went back again? A Yes sir.

Q How long did you remain there then? A Four years the last time.

Q And then returned here when? A Last Fall, first of November

Examined by Choctaw Att'y Shackelford:

Q Where did you marry? A In Tennessee.

Q When did you marry? A I have been married twice, I married both times in Tennessee.

Q When did you marry the first time? A It has been nine years ago in May.

Q When did you marry the last time? A Four years ago.

Q And all that time you were living in Tennessee? A No sir, I was out here, my boy was born out here.

Q Your home of yours husband and self was in Tennessee, was not? A No sir.

Q How long did you stay here? A I staid with my father here over two years.

Q Then did you say you married the last time? A Four years

Ariaana Edens and child #2)

Q Where have you been living since you married the second time?

A In Tennessee.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

M D Green

CHOCTAW. 190

IN RE

Application for Enrollment of

INFANT CHILD

John A. Edens

as a citizen of the

CHOCTAW Nation.

Approved, JUL 16 1900 190

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUL 16 1900

ACTING CHAIRMAN.

CHOCTAW.

70. 347.

Department of the Interior,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Choctaw Nation,

of John J. Edens (Here insert name of child.), born on the 8 day of June, 1900

Name of Father: C. H. Edens, a citizen of the Choctaw Nation.

Name of Mother: Annie F. Edens, a citizen of the Choctaw Nation.

Postoffice, Durant Ind Ter

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, } INDIAN TERRITORY.
Central District. }

I, Annie F. Edens, on oath state that I am 28 years of age and a citizen, by Blood, of the Choctaw Nation; that I am the lawful wife of C. H. Edens, who is a citizen, by Marriage, of the Choctaw Nation; that a Male (male or female) child was born to me on the 8 day of June 1900 that said child has been named John J. Edens, and is now living.

WITNESSES TO MARK:

Mrs Annie F Edens

(Must be Two Witnesses.)

Subscribed and sworn to before me this 14th day of July 1900

B. F. Mormon
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, } INDIAN TERRITORY.
Central District. }

I, G. M. Rushing, a Physician, on oath state that I attended on Mrs. Annie F. Edens, wife of C. H. Edens, on the 8th day of June, 1900; that there was born to her on said date a Male (male or female) child; that said child is now living and is said to have been named John J. Edens

WITNESSES TO MARK:

G M Rushing M D

(Must be Two Witnesses.)

Subscribed and sworn to before me this 14th day of July 1900

B. F. Mormon
NOTARY PUBLIC.

Mc Litt

CHOCTAW

20 INDIAN

IN RE

Application for Enrollment of

INFANT CHILD

Hester Lorine Edens

as a citizen of

Choctaw Nation.

Approved, NOV - 9 1901 190

Commissioner.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
NOV 9 1901

Acting Commissioner

CHOCTAW
10 347

BIRTH AFFIDAVIT. 20

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Choctaw Nation, of Hester Lorine Edens (Here insert name of child.), born on the 2nd day of October, 1901

Name of Father: C W. Edens, a citizen of the Choctaw Nation.

Name of Mother: Arianna F. Edens, a citizen of the Choctaw Nation.

Post-office, Bokchito Ind. Ter

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Central District.

I, Arianna F Edens, on oath state that I am 28 years of age and a citizen, by blood, of the Choctaw Nation; that I am the lawful wife of C W Edens, who is a citizen, by marriage, of the Choctaw Nation, that a female (male or female.) child was born to me on the 2nd day of October 1901; that said child has been named Hester Lorine Edens, and is now living.

Arianna F Edens.

WITNESSED TO MARK

(Must be Two Witnesses)

Subscribed and sworn to before me this 7 *day of* oct *1901.*

C S Lewis

NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, District.

I, Dr N. P. Keene, a Physician, on oath state that I attended on Mrs. Arianna Edens, wife of C. W. Edens, on the 2 day of Oct 1901; that there was born to her on said date a female (male or female.) child; that said child is now living and is said to have been named

N P Keene M D

WITNESSED TO MARK:

(Must be Two Witnesses)

Subscribed and sworn to before me this 7 *day of* Oct. *1901*

C S Lewis

NOTARY PUBLIC.

MEMORANDA.

(Date) Aug 22 1899.

Name

Choctaw ? County Year No.

Chickasaw ? County Year Page

Citizen by blood ? Mother's citizenship

Intermarried citizen ?

Married under what law ?

License filed this day,

Wife's name, Anianna F. Edens

Choctaw ? yes County Blue Year 96 No. 3816

Chickasaw ? County Year Page 91

Citizen by blood ? yes Mother's citizenship Choc

Intermarried citizen ?

Married under what law ?

License filed this day

Names of children:

Wilkie Hammit County Blue Year 96 Page 143 No. 6-867

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

On roll Anianna Edens admitted by Act of Choc. Council #43 app. Oct 29 - 1887 - as Anianna Lewis

On roll Wilkey Hammet

As to residence see her testimony

D 347

Muskogee, Indian Territory, July 16, 1900.

Mr. C. W. Edens,

Durant, Indian Territory.

Dear Sir:

The Commission is in receipt of the application for enrollment as a citizen of the Choctaw Nation of John J. Edens, the infant son of Annie F. and C. W. Edens, and the same, being in proper form, has been duly filed with the records of the Commission.

Yours truly,

Acting Chairman.

7-D 347

Muskogee, Indian Territory, November 9, 1901.

G. W. Edens,

Eufaula, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the application for enrollment as a citizen of the Choctaw Nation of Hester Lorine Edens, the infant daughter of G. W. and Arianna F. Edens, born October 2, 1901; and the same has been accepted and filed as evidence of the birth of this child.

Yours truly,

Acting Chairman.

W-2-347

Choctaw D 347

Muskogee, Indian Territory, November 28, 1902.

C. W. Edens,

Bokchito, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 21st instant, in which you desire to be advised if a decision has been rendered in the application of your wife, Arriana F. Edens.

In reply to your letter you are advised that it appears from our records that Arianna F. Edens is an applicant to this Commission for enrollment as a citizen of the Choctaw Nation. No decision has up to this time been rendered by the Commission in the matter of such application. When a decision is rendered your wife will be duly advised thereof.

Respectfully,

Acting Chairman.

7-D-47

Muskogee, Indian Territory, August 19, 1904.

C. W. Edens,

Bokchito, Indian Territory.

Dear Sir :-

Receipt is hereby acknowledged of your letter of the 16th inst., relative to the enrollment of your wife, Arianna F. Edens.

You are informed that the application of Arianna F. Edens for enrollment as a citizen by blood of the Choctaw Nation, is now under consideration by this Commission, but her right to final enrollment has not yet been determined. As soon as a decision is reached, you will be duly notified.

Respectfully,

Chairman

7-D-147

Muskogee, Indian Territory, October 29, 1904.

S. T. Loper,

Hoff, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of October 26, 1904, in which you ask what action has been taken in the matter of the application for enrollment of A. L. and J. D. Edens.

In reply to your letter you are informed that the information contained therein is not sufficient to enable the Commission to identify the persons named as applicants for enrollment of the Choctaw or Chickasaw Nation. If you will state their full names, and the names of their parents, the time and place application was made for their enrollment and any other information you may possess which will enable the Commission to identify them upon its records, the matter of your inquiry will receive further consideration.

Respectfully,

Chairman.

7-D-347

Muskogee, Indian Territory, January 19, 1905.

C. F. Eden,

Bokchito, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of January 15, 1905, in which you state that you now desire to make application for enrollment as an intermarried citizen of the Choctaw Nation.

In reply to your letter you are informed that it does not appear from our records that application has heretofore been made by you for enrollment as an intermarried citizen of the Choctaw Nation, and under the provisions of the act of Congress approved July 1, 1902, the Commission is now without authority to receive or consider original applications in the Choctaw and Chickasaw Nations.

Respectfully,

Chairman.

Choctaw----16
Choctaw-D-347

Muskogee, Indian Territory, January 13, 1904.

J. C. Hampton, Jr.,

Caddo, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of January 8, 1904, asking if H. V. Newton and Annie Eden are recognized Choctaw Indians as you state you desire to file presumably on land claimed by them.

In reply to your letter you are informed that Helen V. Newton was admitted to citizenship in the Choctaw Nation by a judgment of the United States Court for the Central District, of the Indian Territory, rendered August 26, 1897, in court case (Citizenship Docket), number 11.

It further appears from our records that Arianna P. Edens, whose present postoffice is Bokchito, Indian Territory, is an applicant to this Commission for enrollment as a citizen by blood of the Choctaw Nation, but her final right to such enrollment has not yet been determined.

You are informed, therefore, that the Commission will not allot lands upon which so called court claimants and applicants for enrollment in the Choctaw Nation and Chickasaw Nation, whose cases have not yet been passed upon, have improvements not in excess of

A C H Jr.

lawful allotments, until their final rights to citizenship is determined.

Respectfully,

Chairman.

Muskogee, Indian Territory,

August 16t h, 1900,

Arianna Adams,

Durant, Indian Territory,

Dear Adams:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs McKennon, Mansfield, McMurray, & Cornish, has filed with this Commission a notice of protest to your enrollment and the enrollment of Wilkie Harmit, as citizen s of the Choctaw Nation.

The Commission, commencing December 3rd, 1900, will hold session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitte to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Acting Chairman.

7-D-347.

COMMISSIONERS:
HENRY L. DAWES,
JAMES BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Choctaw D-347.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 1, 1902.

Arianna F. Edens,

Bokchito, Indian Territory.

You are hereby notified that the application of yourself and your three miner children, Wilkie Hammit, John J. and Hester L. Edens for enrollment as citizens of the Choctaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 9th day of April, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Register. Commissioner in Charge.

Muskogee, Indian Territory, March [redacted], 1901.

J. G. Ralls,

Attorney at Law,

Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 9th instant enclosing a certified copy of an act of the Choctaw Council approved October 29th, 1887 admitting to citizenship in the Choctaw Nation, Lavina S. Lewis, formerly Lavina S. [redacted]t and [redacted]ebang, Charles H. Lewis and their children, which you desire filed in the records of the Commission in the matter of the application of Arianna Rden et. al for enrollment as citizens of the Choctaw Nation.

The same has been duly filed with the records of the Commission and will receive consideration in the disposition of the application of Arianna Rden et. al.

You request that you be furnished with a copy of the testimony in this case and a copy of the act which you have submitted for filing. In accordance with your request there is enclosed you herewith a copy of the testimony and such exhibits as are filed in the matter of this application.

Yours truly,

Acting Chairman.

7-D-347

T-D-347.

Muskogee, Indian Territory, December 17, 1903.

C.W. Edens,

Bokchito, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 7th inst., in which you ask if it will be necessary for your wife, Arianna Edens, to appear before the Commission again.

You are advised that it appears from our records that Arianna F. Edens and her three minor children, Wilkie Hammit, John J. and Hester Lorene Edens, are listed among the doubtful claimants to enrollment as citizens of the Choctaw Nation.

The Commission is now preparing rolls of the citizens and freedmen of the Choctaw and Chickasaw Nations, in accordance with the provisions of the act of Congress approved July 1, 1902, and ratified by the citizens of the Choctaw and Chickasaw Nations September 25, 1903; and it is desired that all heads of families should appear at one of the appointments of the Commission most convenient to their places of residence, for the purpose of checking up the names of the members of their families with the records of the Commission; and in order that the Commission may

ascertain their status as citizens of said nations on September 25, 1902, the date of the final ratification of the act of Congress above referred to.

If Arianna F. Edens desires to offer any additional evidence in her case, she will be heard upon her appearance before the Commission at its office in Muskogee, Indian Territory prior to December 25, 1902, or at its appointment at South McAlester, Indian Territory, December 30 to 24, 1902, inclusive.

Respectfully,

Acting Chairman.

Muskogee, Indian Territory, February 27, 1903.

E.C. Wells,

Attorney at Law,

Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of January 28, 1903, enclosing the affidavit of Ati Anna F. Edens relative to her admission to citizenship by an act of the Choctaw Council, and as to her continued residence in the Choctaw Nation; and the same has been duly filed in the matter of the application for enrollment of Arianna F. Edens and her minor children as citizens by blood of the Choctaw Nation.

Respectfully,

Acting Chairman.

9-D 347

Muskogee, Indian Territory, November 2, 1903.

C. W. Edens,

Bokohito, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of October 26, in which you ask when a decision will be rendered in the Citizenship Case of your wife, Ariana F. Eden, as you state you have no way of preventing other people from filing on your allotment.

In reply to your letter you are informed that the Commission has not yet passed upon the application of Arianna F. Eden for the enrollment of herself and her minor children as citizens by blood of the Choctaw Nation, and it is impracticable at this time to state when same will be reached for consideration and determination. As soon as a decision is rendered in her case she will be notified of the action taken therein.

You are further informed that if you will forward a description of the land which she desires to select in allotment for herself and her minor children, proper notation thereof will be made upon the records of the Commission and she will be notified in the event any other person makes application for the same land or any

portion thereof and will be permitted to institute contest proceedings for its possession.

Respectfully,

Chairman.

Choctaw D 347

Muskogee, Indian Territory, December 29, 1903.

J. G. Ralls,

Attorney at Law,

Atoka, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of December 23, asking that the case of Arianna F. Edens be passed upon as early as practicable.

In reply to your letter you are advised that the Commission is passing upon applications for enrollment in the Choctaw and Chickasaw Nations as rapidly as possible and as soon as a decision is reached in the matter of the application of Arianna F. Edens for the enrollment of herself and her three minor children as citizens by blood of the Choctaw Nation, you will be notified of the action taken.

Respectfully,

Chairman.

Choctaw D 347

Muskogee, Indian Territory, May 9, 1904.

C. W. Edens,

Bokchito, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of May 2, asking the status of the citizenship of your wife, Arianna F. Edens, and how soon her case is likely to be disposed of. You also ask if she will be permitted to dispose of her improvements in the event her application is rejected.

In reply to your letter you are advised that the Commission has not yet passed upon the application of Arianna F. Edens for the enrollment of herself and her minor children as citizens by blood of the Choctaw Nation, but as soon as a decision is reached she will be notified of the action taken therein.

You are advised that it is not believed that noncitizens are entitled, in any manner, to possessory rights of the tribal property of the Choctaw and Chickasaw Nations, unless they hold the same through lease or contract with a citizen or freedman, covering his pro rata share of the lands of these two nations. In the event the application for enrollment of your wife and children is refused by the Commission their status would be that of noncitizens.

Respectfully,

Choctaw-D-337.

Muskogee, Indian Territory, July 9, 1904.

J. G. Ralls,
Attorney at Law,
Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of July 2nd, in which you ask that the case of Arianna F. Edens be passed upon as early as practicable.

In reply to your letter, you are informed that the Commission has not yet passed upon the application of Arianna F. Edens for the enrollment of herself and her children, Wilkie Hamlet, Jean J. and Hester Lorine Edens; as soon as practicable however this case will be taken up for consideration and determination and when a decision is reached you and the applicant will be notified of the action taken thereon.

Respectfully,

Commissioner in Charge.

Choctaw D-347.

Muskogee, Indian Territory, July 29, 1904.

Mrs. W. R. Senter,

Bokohito, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of July 25, in which you ask the status of the enrollment of Arianna F. Edens, and describe certain land which she desires to have reserved for her as her prospective allotment. You also inquire if you will have to be re-appointed guardian for your daughter, Florence E. Lewis, who is in the insane asylum, when you have already been made her guardian by the Choctaw Court, and if it will be necessary for you to be appointed guardian for your son, eighteen years old, before you can draw the townsite money for him.

In reply to your letter, you are informed that the Commission has not yet passed upon the application of Arianna F. Edens for the enrollment of herself and her children, Wilkie Hammit and John J. and Hester Lorine Edens, as citizens by blood of the Choctaw Nation, but will take up the same as early as practicable for consideration and determination, and when a decision is reached she will be notified of the action taken.

Replying to that part of your letter in which you ask if it will be necessary for you to be appointed by the United States Court as guardian for your daughter, Florence E. Lewis, who is in

the insane asylum, and also for your son who is eighteen years of age, before you can draw his townsite money, you are informed that the Commission will require that persons who desire to represent citizens of the Choctaw and Chickasaw Nations in the capacity of guardian, administrator, or curator, for the purpose of selecting allotments in their behalf, be appointed by the United States Courts in Indian Territory. Relative to being appointed guardian to your minor son before you can draw his townsite money, you are informed that this is a matter which does not come within the jurisdiction of the Commission and it is therefore impracticable to give you any information on the subject.

It is suggested that you communicate with the United States Indian Agent, Muskogee, Indian Territory, for information in regard to the payment of the townsite money.

You are advised that the matter of the land referred to in your letter has been made the subject of another communication.

Respectfully,

Commissioner in Charge.

7-D-547

Muskogee, Indian Territory, October 15, 1904.

J. C. Ralls,

Attorney at Law,

Atoka, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of the 11th instant, requesting information relative to the status of the application for enrollment of Arianna F. Kiens and her minor children as citizens by blood of the Choctaw Nation.

You are advised that the Commission has not yet passed upon the application for enrollment of Arianna F. Kiens and her minor children as citizens by blood of the Choctaw Nation. Her case, however, is now under consideration by the Commission and due notice of the action taken therein will be forwarded to you and the applicants in the near future.

Respectfully,

Chairman.

Choctaw D 347.

Muskogee, Indian Territory, October 26, 1904.

C. W. Edens,

Bokchito, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of October 24, asking for an early decision in the case of Arianna F. Edens, and in reply you are advised that the Commission is passing upon applications for enrollment in the Choctaw and Chickasaw Nations as rapidly as practicable, and as soon as a decision is reached in the matter of the application of Arianna F. Edens for the enrollment of herself and her minor children as citizens by blood of the Choctaw Nation you will be duly notified.

Respectfully,

Chairman.

7-D-347

Muskogee, Indian Territory, October 18, 1904.

J. G. Ralls,

Attorney at Law,

Atoka, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of the 11th instant, requesting information relative to the status of the application for enrollment of Arianna F. Kiens and her minor children as citizens by blood of the Choctaw Nation.

You are advised that the Commission has not yet passed upon the application for enrollment of Arianna F. Kiens and her minor children as citizens by blood of the Choctaw Nation. Her case, however, is now under consideration by the Commission and when a decision is reached due notice of the action taken therein will be forwarded to you and the applicants.

Respectfully,

Chairman.

7-D-347

COPY.

Muskogee, Indian Territory, January 8, 1906.

Ari Anna V. Edens,

Bokshito, Indian Territory,

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered January 8, 1906, granting your application for the enrollment of yourself and children, Wilkie Hammit, John J. Edens and Hester Lorine Edens, as citizens by blood of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling you as citizens of the Choctaw Nation. If at the expiration of said time no protest has been filed, your names will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED.

Tams Bixby

Chairman.

Registered.

Incl. 7-D-347.

7-D-347

COPY.

Muskogee, Indian Territory, January 3, 1905.

J. C. Ralls,

Attorney at Law,

Atoka, Indian Territory,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on January 2, 1905, rendered its decision granting the application for the enrollment of Ari Anna F. Edens and her children, Wilkie Hamnit, John J. Edens and Hester Lorine Edens, as citizens by blood of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicants as citizens of the Choctaw Nation. If at the expiration of said time no protest has been filed, their names will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Tams Bixby

Chairman.

Registered.

Y-D-347

COPY.

Muskogee, Indian Territory, January 3, 1905.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission, rendered January 2, 1905, granting the application for the enrollment of Ari Anna F. Riena and her children, Wilkie Hannah, John J. Riena and Hester Lorine Riena, as citizens by blood of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicants as citizens of the Choctaw Nation. If at the expiration of said time no protest has been filed, their names will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED.

Tams Bixby

Chairman.

Registered.
Inml. Y-D-347.

Choc 5889 margaret colbert

Trans from Choc D174 Feb 11, 1985

5889

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Record in the matter of the application for enrollment as a citizen by blood of the Choctaw Nation of:

Margaret Colbert 7-D-174.

Choctaw D-174.

Muskogee, Indian Territory, February 27, 1902

Margaret Colbert,
Tushkahoma, Indian Territory,

You are hereby notified that the application for enrollment of yourself as a citizen of the Choctaw Nation will be taken up by the Commission to the Five Civilized Tribes for final consideration at its office in Muskogee, Indian Territory, on the 5th day of April, 1902.

On said date, you may, if you desire, appear before the Commission in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting said application.

You are further notified that the Representatives of the Choctaw Nation will also at the same time be afforded an opportunity to introduce testimony affecting your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

The Commission to the Five Civilized Tribes,

T. B. Needles.

Commissioner in charge.

Register.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, April 5, 1902.

Margaret Colbert	
vs.	D-174.
The Choctaw Nation.	

In the matter of the application of Margaret Colbert. for enrollment as a citizen by blood of the Choctaw Nation.

On the 27th day of February, 1902, the applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were also notified by registered mail that the application of Margaret Colbert for enrollment as a citizen of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 5th day of April, 1902.

Now on this 5th day of April, 1902, this cause coming on to be heard pursuant to said notice, the Choctaw Nation appears by its attorneys, Mansfield, McMurray & Cornish, and the applicants being called failed to appear, and the case is submitted upon the evidence and record as now made up.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on the 5th day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of April, 1902.

Subscribed and sworn to before me this 7 day of April, 1902.

Notary Public.

7-D-174

Muskogee, Indian Territory, October 6, 1904.

Margaret Colbert,

Tuskahoma, Indian Territory,

Dear Madam:-

You are hereby advised that you will be allowed fifteen days from the date hereof within which to file with the Commission your affidavit, electing whether you desire to be enrolled as a citizen by blood of the Choctaw Nation or as a citizen by blood of the Chickasaw Nation, under the provision of section 21 of the act of Congress approved June 28, 1898 (30 Stat., 495):

"The several tribes may, by agreement, determine the right of persons who for any reason may claim citizenship in two or more tribes, and to allotment of lands and distribution of moneys belonging to each tribe; but if no such agreement be made, then such claimant shall be entitled to rights in one tribe only, and may elect in which tribe he will take such right; but if he fail or refuse to make such selection in due time, he shall be enrolled in the tribe with whom he has resided, and there be given such allotment and distributions, and not elsewhere."

Respectfully,

[redacted]

Tams Bixby

Chairman.

N.F.

7-D-174.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Margaret Colbert as a citizen by blood of the Choctaw Nation.

--: D E C I S I O N :--

It appears from the census card record in this case that on May 22, 1899 Margaret Colbert made application to this Commission for enrollment as a citizen by blood of the Choctaw Nation.

It further appears from the census card record in this case that the applicant, Margaret Colbert, is a daughter of Billie William, deceased, and Susan William, deceased, both citizens by blood of the Choctaw Nation.

Upon an examination of the tribal rolls in the possession of the Commission the applicant is identified upon the 1885 Choctaw Census Roll, Jacks Fork County, number 471, and upon the 1893 Chickasaw Leased District Payment Roll (Maytubby Roll No. 2) (her enrollment on said roll being indicated by the figure 2 placed after the name of her husband, James Colbert, on said roll).

It appears from the record herein that on October 6, 1904 the applicant herein was advised that she would be allowed fifteen days from that date within which to file with this Commission her affidavit electing to be finally enrolled by this Commission as a citizen by blood of the Choctaw or Chickasaw Nation, under the following provision of section twenty-one of the act of Congress approved June 28, 1898 (30 Stat., 495):

"The several tribes, may, by agreement, determine the right of persons who for any reason may claim citizenship in two or more tribes, and to allotment of lands and distribution of moneys belonging to each tribe; but if no such agreement be made, then such claimant shall be entitled to such rights in one tribe only, and may elect in which tribe he will take such right; but if he fail or refuse to make such selection in due time, he shall be enrolled in the tribe with whom he has resided, and there

be given such allotment and distributions, and not elsewhere."

No response to said notice has been made by or on behalf of the applicant.

It further appears from the census card record in this case that when application was made to this Commission on May 22, 1899 for the enrollment of the applicant Margaret Colbert as a citizen by blood of the Choctaw Nation she was a resident of the Choctaw Nation and that she was a resident in good faith of Indian Territory on June 28, 1898, all applicants listed upon census cards in 1899 having been examined as to such fact although their testimony was not reduced to writing.

It is, therefore the opinion of this Commission that Margaret Colbert should be enrolled as a citizen by blood of the Choctaw Nation, in accordance with the provisions of the acts of Congress approved June 28, 1898 (30 Stat., 495) and July 1, 1902 (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Chairman.

Commissioner.

C. R. Breshingham

Commissioner.

Muskogee, Indian Territory,

JAN 2 6 1905

Choctaw D 174

COPY.

Muskogee, Indian Territory, January 26, 1905.

Margaret Colbert,

Ti, Indian Territory,

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered January 26, 1905, granting your application for enrollment as a citizen by blood of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling you as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, your name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED)

Tams Bixby

Chairman.

Registered.

Incl. 7-D-174

COPY. 7-D-174

Muskogee, Indian Territory, January 26, 1905.

William Colbert,

Ti, Indian Territory,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on January 26, 1905, rendered its decision, granting the application for the enrollment of Margaret Colbert, as a citizen by blood of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, her name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Tams Bixby

Chairman.

Registered.

Choctaw D 174

COPY.

Muskogee, Indian Territory, January 26, 1905.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission rendered January 26, 1905, granting the application for the enrollment of Margaret Colbert as a citizen by blood of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, her name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED.

Tams Bixby

Chairman.

Registered.

Inal. 7-D-174

See Cl. [illegible] C.r requiring receipt for [illegible] or.

COMMISSIONERS:
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
9 - D - 835
7 - D - 174

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 12, 1903.

James Colbert,

Tuskahoma, Indian Territory.

Dear Sir:

On May 22, 1899, application was made for the enrollment of yourself as a citizen by blood of the Chickasaw Nation and of your wife, Margaret Colbert, as a citizen by blood of the Choctaw Nation. You are requested to inform the Commission whether your name or the name of your wife was ever placed upon the rolls of the Choctaw or Chickasaw Nations, and if so, at what time and place; also, whether you or your wife drew the Leased District money in 1893; and also whether you are relatives of Dennis or Lemon Colbert, who reside at Antlers, Indian Territory.

Kindly give this matter your prompt attention.

Respectfully,

Acting Chairman.

9 - D - 233
7 - D - 174

Muskogee, Indian Territory, January 18, 1903.

James Colbert,

Tuskahoma, Indian Territory.

Dear Sir:

On May 22, 1899, application was made for the enrollment of yourself as a citizen by blood of the Chickasaw Nation and of your wife, Margaret Colbert, as a citizen by blood of the Choctaw Nation. You are requested to inform the Commission whether your name or the name of your wife was ever placed upon the rolls of the Choctaw or Chickasaw Nations, and if so, at what time and place; also, whether you or your wife drew the Leased District money in 1893; and also whether you are relatives of Dennis or Lemon Colbert, who reside at Antlers, Indian Territory.

Kindly give this matter your prompt attention.

Respectfully,

Acting Chairman.

Choctaw D 174

Muskogee, Indian Territory, April 7, 1904.

William Colbert,

Ti, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter without date asking the status of the enrollment of Margaret Colbert, and in reply you are advised that the Commission has not yet passed upon the application of Margaret Colbert for enrollment as a citizen by blood of the Choctaw Nation. As soon as a decision is reached she will be notified of the action taken in her case.

You are advised, however, that letters addressed to Margaret Colbert and to James Colbert, her husband, at Tuskahoma, Indian Territory, advising them that it would be necessary for them to furnish additional evidence in their cases have been returned unclaimed, and it is suggested that if you know their present post office address you communicate with them and advise them to address letters to the Commission relative to their case.

The matter of the classification of the land referred to has been made the subject of another communication.

Respectfully,

Commissioner in charge.

Tishomingo
4-27-304

Muskogee, Indian Territory, April 14, 1904.

Peter Maytubby,

Tishomingo, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 5th inst., relative to Dennis or James Colbert, whose age is about 42 and a full blood Chickasaw Indian, residing in Jacksfork County, Choctaw Nation, and you state that his name should appear upon the 1893 Leased District Chickasaw Pay Roll, prepared by yourself; that the name of his wife is Martha or Margaret, who is a Choctaw by blood, and you desire information relative to these persons.

It is believed from the information contained in your letter that the Dennis Colbert referred to therein is listed for enrollment as a citizen by blood of the Chickasaw Nation under the name of James Colbert, and that his wife, Margaret Colbert is listed for enrollment as a citizen by blood of the Choctaw Nation, but their names have not yet been placed upon a schedule of citizens of said Nation to be forwarded to the Secretary of the Interior.

You are kindly requested to advise this office the post-office address of James and Margaret Colbert, as numerous letters have been addressed to both persons at Tishomingo, Indian Territory, and the same returned to this office marked "Unclaimed".

9-1707.

Muskogee, Indian Territory August 8, 1904.

Peter Maytubby,

Tishomingo, Indian Territory.

Dear Sir:

On April 6, 1904 you addressed to this Commission an inquiry in regard to the enrollment of Demus Colbert or James Colbert, whose age you stated was forty-eight years and who was an "old full blood Chickasaw" living in Jacks Fork County, Choctaw Nation. You stated that his wife, Martha or Margaret, was a Choctaw by blood and that they had no children. The object of this communication it is believed was to enable the Commission to identify James Colbert or Demus Colbert as having been listed for enrollment by this Commission as a citizen of the Chickasaw Nation. You further stated in said letter that you drew the money in 1893 for said Demus Colbert or James Colbert and paid the same to him.

The name of Demus Colbert, Stringtown, appears on the 1893 Maytubby Roll Number 2, where it is shown that said Demus Colbert drew money for himself only. Immediately under said name the name of James Colbert, Stringtown, is found and it appears that said James Colbert drew money for

himself and one other person.

On May 22, 1899 there was listed for enrollment one James Colbert whose post office address at that time was given as Tuskahomma, Indian Territory, and whose residence was given as the Choctaw Nation. The age of said James Colbert was given as forty years and it was stated that he was a full blood. The Commission was unable to identify this James Colbert, who was so listed for enrollment on May 22, 1899, upon any of the tribal rolls of the Chickasaw Nation in the possession of the Commission and his name has not, therefore, been placed upon any schedule of citizens by blood of the Chickasaw Nation prepared for forwarding to the Secretary of the Interior for his approval.

You are kindly requested to immediately furnish this Commission with sworn affidavits setting forth whatever information you may be able to procure which will enable the Commission to identify the James Colbert, who was listed for enrollment as above stated on May 22, 1899, and whose post office address was Tuskahomma, Indian Territory, as being enrolled upon the 1893 and 1896 Chickasaw Tribal rolls.

Please give this matter your prompt attention.

Respectfully,

Commissioner in Charge.

9.1101

Tishomingo I. T. Aug. 15th 1904.

Commission to the Five civilized Tribes

Muskogee, I. T.

Dear Sir:

Yours of 6th come to hand find you want to know something about James Colbert Enrollment I say to you this James Colbert name Indian name Ayakochey I believe you will find this Ayakochey is the man you wanting if this is not the man you write again and I will try to find out what become of the man.

Yours truly

(Signed) Peter Maytubby.

7-D-174.
9-D-233.

Muskogee, Indian Territory, August 18, 1904.

William Colbert,

Ti, Indian Territory,

Dear Sir:

In the matter of the application of Martha Colbert and her husband James Colbert, you are advised that it will be necessary for them to appear before the Commission and testify as to their intermarried status on September 25, 1902, before further consideration can be given to their application.

For this purpose they should appear at Muskogee, Indian Territory, as soon as possible, or at the Land Office at Atoka, Indian Territory, on September the 6th or 7th, 1904, or at the Land Office at Tishomingo, Indian Territory, on September the 8th or 9th, 1904.

You are further advised that it will also be necessary for them to furnish the Commission with their marriage certificate or if the original is lost then they should furnish a certified copy of the record of the same.

Respectfully,

Commissioner in Charge.

COMMISSIONERS:
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BREECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Choctaw D-174.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 27, 1902

Margaret Colbert,

Tushkahoma, Indian Territory,

You are hereby notified that the application for enrollment of yourself as a citizen of the Choctaw Nation will be taken up by the Commission to the Five Civilized Tribes for final consideration at its office in Muskogee, Indian Territory, on the 5th day of April, 1902.

On said date, you may, if you desire, appear before the Commission in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting said application.

You are further notified that the Representatives of the Choctaw Nation will also at the same time be afforded an opportunity to introduce testimony affecting your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

The Commission to the Five Civilized Tribes,

Commissioner in charge.

Register.

CHJC 5895 John Crosby FF

Trans from chic D-558 Jan 23/65

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment as a citizen by blood of the Choctaw Nation of--

JOHN ORNDORFF. 7-D-358.

Commission to the Five Civilized Tribes,

Atoka, Indian Territory.

In the enrollment of the ORNDORF family as Choctaws; William L. Odam being sworn and examined by Com'r McKennon testifies :

Q What is your name? A William L. Odam.

Q How old are you? A Forty-six.

Wit: I formed an acquaintance with the Orndorf family in 1882, in Denison, Texas,- worked for Orndorf about three or three and one-half years, and I was well acquainted with his family from during that time and after quite a bit, and they never claimed to be natives of the Territory; they came from Virginia to this country; Mrs. Orndorf's first name was Ella, and these children was small children, I think therewas about three, maybe four; Mollie Hybargers was the oldest; there was Frank, or George, and then there was Annie, and they never claimed any right at all; and after Mrs. Orndorf died Ed told me- we was familiar, and he says, Bill, he says, I believe I will go in the Territory and marry me a wife, says, do you know anything about the Territory? I says, yes, I have lived in the Territory, and he asked all about the people, and I told him the best I could, but he didn't do it, he married a woman below town and lived with her somewhere between three and six months, and they separated, and then Ed come into the Territory and married Kate Irrell, and then afterwards, I never saw him for quite a bit, and I had gone and was gone about thirteen months out there and when I come back I was staying at Wynnewood and some of my brothers was there, and they met Orndorf and I was up there and I went to see him, as I was an old acquaintance of his and had worked for him, and he told me, says, Bill, I sure married me a right, I says I knew that all right from hearsay, and then he says, I proved up a right for my children, I says you did? he says, yes. I says how did you do it, Ed? He says, that's all right, I got my right proved up;- and that 's about the amount I

know.

Examined by Choctaw Com'r Lewis:

Q He didn't claim any right through his first wife?

A No sir, not at Denison; he told me they was German descent; she was a low set, dark complected woman, and he told me that she was part German and him himself also.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

M D Green

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Atoka, Indian Territory, December 5, 1900.

The Chocktaw Nation	:	
	:	
vs	:	7-D-388.
	:	
George W. Blevins et al.	:	

A P P E A R A N C E S :

For the Chocktaw Nation, Melvin Cornish, Esq.
For the Applicants, A. Fells, Esq., and
J. S. Bails, Esq., appearing in the absence of, and for Attorney Claude Weaver.

It is agreed by counsel here present that the testimony of witness John Campbell hetaken, and that the same should then be continued until Friday, December 7th, 1900.

John Campbell, being first duly sworn by Acting Chairman Dixby, testified as follows:

By Mr. Cornish:

Q What is your name? A John Campbell.
Q How old are you? A 49 years.
Q Where do you live? A Denison, Texas.
Q How long have you lived there? A Since 1876.
Q What business are you engaged in? A In the stone business--stone mason.
Q Do you know a man by the name of M. Orndorff? Did you know him many years ago, in Denison, Texas? A Yes sir.
Q What business was he engaged in? A Stone mason.
Q You worked along with him in that business? A Yes sir.
Q For how long? A Two or three years along; of course we were not together all the time. Probably longer or not quite so long.
Q Did his family also live in Denison, Texas at that time? His wife and his children? A Yes sir.
Q Did you know his family? A Yes sir.
Q How far did you live from them? A Part of the time a quarter, I guess, and perhaps a little more.
Q And you knew them? Knew Orndorff and his family during a period of some two or three years? A Yes sir, to the best of my recollection.
Q Of what nationality were those people? A They claimed to be to be a Cherokee descent as I understood. I know only just what they claimed.
Q Is that what they claimed to you? A Yes sir.
Q Where did they come from to Denison, Texas? A I could not be positive, North Carolina or Virginia.
Q Did Orndorff tell you that they came from either one or the other places? A Yes sir.
Q Are you sure that he came from either one or the other of these places? A Yes sir.
Q And you are not able to remember which? A Yes.
Q Did you see his wife frequently? A Yes, I have worked for him quite a lot, and seen his wife quite often.
Q Do you know if they have some children? A Yes sir.
Q About how many? A All the way from four to six; I could not be

positive--quite a number of children.
Q Do you remember the names of these children? A No, to the best of my recollection the eldest boy was Henry.
Q They had some little girls? A Yes sir.
Q You saw his wife often? A Yes sir, saw her pretty often.
Q From your knowledge of her, seeing and being about her, to what nationality did she belong? A Always claimed to be German, and I always supposed they was.
Q Did you hear anything to doubt what they told you? A No sir.
Q You neither saw nor heard anything? A No sir.
Q She was German, was she? A That's what she claimed.
Q Did this woman die in Denison, Texas, while you were there? A Yes.
Q She died and was buried there? A Yes sir.
Q Leaving these children? A Yes sir.
Q Did you at that time, or any time after that, hear it claimed that this woman was an Indian? A No, I never did.
Q How long did Ornderf and these children live in Denison, Texas after the death of his wife? A Probably a year and a half or two years.
Q Where did Ornderf move to when he left Denison, Texas? A He told me he moved to Preston Bend.
Q That is on the Texas side of the Red River? A Yes sir.
Q How long did he live there? A I can't say positively; he came back after he moved into the Territory.
Q Where did he move? To what place after moving away from Preston Bend on the Texas side of the Red River? A He told me he moved to the Territory.
Q Where and when did you see Ornderf after he moved away from Denison, Texas? A After he moved into the Territory and married.
Q Did he visit you at Denison, Texas? A Yes, he came to my house and staid all night with me.
Q That was after he moved from Preston Bend up to the Territory?
A Yes sir.
Q Then he came back and staid all night with you? A Yes sir.
Q What did he say on that occasion about what he was doing? A He said that he married a right in the Indian Territory, and had collected quite a lot of stock, and was doing well; he had his children in school
Q Do you remember whether or not he told you the name of the Indian woman he married? A No.
Q What did he say about her? A He said she was a smart business woman.
Q What did he say about these children he took to the Indian Territory with him? A He said his wife had them in Indian schools, because they was a little bit dark skinned.
Q What was it he said about his wife? A He said she was a good, shrewd business woman..
Q And she had got these children into Indian schools? A Yes sir.
Q Do you know where Ornderf is at this time ? A No,. I have not seen him for quite a number of years.
Q Do you know whether or not Ornderf was the father of all these children? I know that he claimed them to be his children.
Q You don't know whether they were his? A No sir.
Q You saw them living with Ornderf and this woman in Denison, Texas?
A Yes sir.
Q Have you seen Ornderf since that night he spent with you in Denison, Texas? A No sir.
Q You don't know where he is now? A No, I don't.
Q Do you remember the name of this woman who died in Denison, Texas.
A No sir.

CROSS EXAMINATION.

By Mr. Telle:

Q What is your name? A John Campbell.

Q About what time did you say you knew this man Orndorf? A Somewhere about 15 or 16 years ago.

Q What year did you say? A I never did say that. I couldn't say what year.

Q Did you know him when he first came to Denison? A He had been there but a very little while; he worked on a job with me.

Q If I understand you, he had a family there, but you don't know what their names were? A I just knew the family; seen them pass and re-pass, and I moved him and his family once.

Q Do you remember any of the names of his family? A I think his oldest boy was named Henry. I could not be positive.

Q Do you know where Henry is now? A No sir.

Q Did Orndorf ever say to you at any time that these children were his children? A He always claimed them as being his children; called them his children.

Q Did he say my children, or the children? A He always called them my children.

Q Do you know how many time he had been married before you saw him?

A No sir.

Q Do you know whether he had any children by the name of Roberts?

A If he did, I didn't know anything about it.

Q Do you know whether he had any children by the name of Boswell?

A If he did he didn't say anything to me about it.

Q Is it your understanding that Orndorf is an applicant for citizenship here? A I don't know.

Q Is he an applicant for citizenship here? A I don't know whether it is himself or his children.

Q I will ask you if you are acquainted with Anna B. Roberts? A I don't know anything about her, not by that name.

Q Do you know Ida Blevins? A No sir.

Q Do you know young John Orndorf? A No, his children was all very small when I saw them; I couldn't say positive what they names was.

Q Do you know what the maiden name of Annie B. Roberts was? A No.

Q Do you know whether Annie B. Roberts ever lived with John Orndorf or not? A No, I never heard of it.

Q Do you know the maiden name of Ida Blevins? A I don't know anything about her.

Q Do you know if she ever went by the name of Orndorf? A No, I don't know anyone of that name that ever went by the name of Orndorf.

Q As a matter of fact, you don't know whether Annie Roberts, Ida Blevins or John Orndorf ever claimed to be the children of John Orndorf? A I have given you the name of Ed Orndorf; they was all very small when I saw them.

Q How old was the oldest one? A I can't say; maybe 7 - 8 - 9 years old when I saw them last; all the way from 15 years on quite a piece back.

Q That is when you quit seeing them? You said 15 years old would be the oldest child of Orndorf at that time? A 15 may be the oldest.

Q How old would the youngest child be ? A I couldn't say that because I don't know how old the youngest was when I saw them last--how old it was.

Q Then from your knowledge of that family, having seen them 15 or 16 years old, how big would the smallest child you saw then be?

A I can't tell you that; it has been too long for me to recollect about a lot of little brats; they had a lot of motherless children around the house when I knew them after his wife died.

Q According to your best recollection, how old was the youngest?

A Might have been a year or two or three; I could not say positively.
Q How old would the youngest child be at this time? A I told you I couldn't tell you how long it is since I knew them.

By Mr. Ralls:
Q What particular piece of work were you doing in Denison, Texas, at the time you got acquainted with Mr. Orndorf? A I couldn't answer that; I have worked with him on several jobs.
Q What part of town was it in? A It has been too long back to tell you what part of Denison I have did the first work. I worked building the gas works and various other jobs, and residences of different kinds.
Q Under whom did you work building the gas works? A I and him both worked under Bush, contractor, putting in the stone work
Q Was that about the first time you got acquainted with him?
A No, I knew him before that; it has been so long.
Q Were all these children born to them at the time you first got acquainted with them? A I couldn't say whether there were any children born after they came to Denison or not.
Q You didn't know them right after they came to Denison? A No sir.
Q How long after you got acquainted with them, did Mrs. Orndorf die?
A I couldn't say; maybe a year and a half. Might be longer.
Q Was it over two years? A I can't say.
Q Was it over three years? A I can't say.
Q Was it over four years? A No, it was not four years.
Q Was the H. & T. C. railroad built into into Denison at that time?
A Yes sir.
Q How long had it been there? A I can't say. That H. & T. C. R.R. was there in '76 when I came there.
Q Was it in Dennison then? A Yes sir.
Q Was there a branch to Sherman from Denison? A No, it was not built at that time.
Q How long after you came to Denison was it built? A I can't tell you that, either. I suppose something--I didn't pay any attention.
Q Have you been in Denison all the time since you first got acquainted with them? A I have been there most of the time.
Q Where else have you been. A I have worked in different towns. Sherman and different towns.
Q How do you happen to be here? A I was subpoenaed.
Q How did they happen to know you as a witness in this case? A I don't know; lawyer Barnes came and asked me a few questions.
Q When was that that they asked you? A About a week ago or more.
Q The only child that you knew is John? A I didn't say I knew John. I said to the best of my recollection it was Henry; I cannot say positive.
Q Didn't you hear them call the names of any of the other children?
A Probably all of them. I might hear you call the names of your children and not remember them.
Q Did he speak German? A No sir.
Q Did his wife speak German. No, I never heard either of them speak German.
Q Who was present at the time he was telling you about moving to the Territory? A I could not tell you positively.
Q Any of the children? A No, none of his children; his children was all in the Territory.
Q They were not present at any conversation had with him as to this matter? A No, not that I recollect.

By Mr. Ralls: We move to strike out all testimony of the conversation this man had with Orndorf and what Orndorf stated with regard to moving to the Territory, and all statements relative thereto, because the same is not the best evidence, the testimony

showing that none of the applicants in this case were present and heard this conversation.
Motion ever ruled.

RE-DIRECT EXAMINATION.

By Mr. Cornish:
Q Your statement is that you knew these people for a period ranging from a year and a half to three years, in Denison, Texas?
A Yes, somewhere along there.
Q During that time did they or not, in any way, claim to be Indian?
A No, I never heard them.
Q Within your knowledge or in your presence? A No sir.
Q Any member of the family? A I never heard them claim anything of the kind.
Q What did they claim? A They claimed to me they were a German descent of people.

RE-CROSS EXAMINATION.

By Mr. Tolle.
Q You say "they" claimed? Who claimed.
Q He always claimed to me that him and his wife was German descent of people.
Q He never told you that these children were German, did he? A No, he didn't.

Case adjourned until Friday, December 7th, 1900.

Frances R. Brown, having been first duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on the 5th day of December, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Frances R. Brown

Subscribed and sworn to before me this 6th day of December, 1900.

Acting Chairman.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Atoka, Indian Territory, December 7, 1900.

THE Choctaw Nation

vs

John Orndorf, et al.

D.-358

A P P E A R A N C E S :

For the Choctaw Nation, Melvin Cornish, Esq.,
For the Applicant, Claude Weaver, Esq.

It is admitted by Mr. Cornish, attorney for the Choctaw Nation, that Frank Boswell made an appearance at Caddo, Indian Territory, in August, 1900, and formally applied for citizenship as a citizen of the Choctaw Nation.

A. Telle, being first duly sworn by acting Chairman Bixby, testified as follows:

By Mr. Cornish:

Q You are a citizen of the Choctaw Nation by blood? A Yes sir.
Q How old are you? A 48 years.
Q Have you held various positions in the Choctaw Nation? A Yes sir.
Q Yes sir.
Q What position did you hold in '99 at the time the pay roll for the lease district was being made up? A In '98, I was appointed on a Commission along with Joe Lawrence and Green Gardner, to make up the rolls of the Choctaws residing in the Chickasaw Nation for the lease district payment
Q Do you know the applicants for citizenship, Ida Rose Blevins and her children, Annie B. Roberts and her children, Frank Boswell and Mellie Nybarger? A I don't know as I know all the children.

By Mr. Weaver: I desire to call the attention of the Commission to the fact that there seems to be a mistake with regard to the status of Annie Roberts. She made proof before the Commission under the act of June 10, and was enrolled by the Dawes Commission, and was not appealed from by the Nation. The Nation appealed from the judgment as to the husband.

2

By Mr. Cornish: If that be true, the testimony would properly apply to Ida Rose Blevins and her family, and John Orndorf.

Q Mr. Telle, what relation did you sustain to the Commission whose duty it was to make up the pay roll for the lease district?
A I was one of the commissioners.
Q Charged with what duty? A With making up the roll of Choctaws by blood, residing in the Chickasaw Nation, for the distribution of the lease district money, and there was another condition; they had to be residents of the Choctaw or Chickasaw nations at a certain date.
Q What other persons composed that committee? A Green Gardner, who is now dead, and Joe Lawrence, who is living in Stonewall, and myself.
Q I will ask you if Ida Rose Blevins, Mellie Nybarger,, Annie B. Roberts, John Orndorf and Frank Boswell appeared before your

Commission to be enrolled for that payment? A Yes, but I didn't know them by those names. Mollie Hybarger is the only one that was married.

Q I will ask you if they appeared before you to be put on the lease district payment? A Yes sir.

Q Where? A Their first appearance was at Wynnewood.

Q Did they make an appearance personally or through an attorney?

A Personally.

Q What did your Commission decide with reference to them? A They decided that the fact of their being Choctaws was not sufficiently plain for them to be enrolled.

Q You didn't place them upon the pay roll at that time? A No sir.

Q Where did they next appear? A At Corbet Station.

Q As you passed through the nation? A Yes sir.

Q What transpired at that time with regard to the enrollment of these peple? A At that time they came, I don't recollect who it was from, but they brough a note or something of the kind to someone up there that claimed to know them, and they seemed to be so presistent in asking that they be enrolled, and so certain, that we thought it would be best to make a different list of them and present it to the revisory board, and we put them with the doubtful list with some others, and sent them to the revisory board.

Q You didn't place them upon the regular roll you were making up?

A Not at that time.

Q [redacted]

Q But placed them on a doubtful list and transmitted them to a higher authority? A Yes sir.

Q I will ask you if they received their lease district money, as you are informed? A Yes sir.

Q Did they receive the lease district money at the time the great body of Choctaws and Chickasaws were paid? A No sir.

Q How long afterwards was it they were given the money? A I don't know whether it was the same year or not; I think probably it was the next council.

Q They were refused payment at the time the main payment was made?

A Their names did not appear on that roll at all.

Q How, as you understand it, was the payment made to them, and when?

A When the Commission met they passed some sort of a resolution that there should be a revisory board consisting of the Choctaw Chief, secretary, treasurer, auditor and attorney, that was to set as a revisory board, and all those left out, or still considered doubtful, their cases would be prepared, and they would be passed upon them

Q As you understand it that was the way? A Yes, they appeared upon this list and were passed upon. I do not know as to how many. I think John Crudorf was still left out until the next council before he was paid.

Q None of these names appear on the regular roll for the lease district payment? A It is on one of those lease district books--all of those left over cases. These rolls are labeled for each county, and this one for the Choctaw Nation. I know these names that were not paid at the regular payment were not on those counties, but were put in the Kiamatia county.

Q Then these names were placed upon what seemed to be a supplementary roll, made after the otherroll, and in a different way?

A No, it is the same way, only it is a different book.

Q Were these people ever enrolled or recognized prior to the making up of those payrolls in 1893? A Not that I know of.

Q So far as you know, these persons were never put on any roll up to that time? A I cannot say.

Q You was a member of this Commission that made up the roll in the Chickasaw Nation? A Yes sir.

Q What is the jurisdiction, power and authority of that Commission under the law? A Their power was a little bit different, and possibly harder to determine them those in the Choctaw Nation for

the reason that Chickasaws that lived in the Choctaw Nation have always been enrolled as recognized citizens, but in the Chickasaw Nation, Choctaws either by blood or marriage had no rights, and we had to go over each case as we found it.

Q Do you understand you had citizenship jurisdiction? A I don't think we had power to make citizens, or recognize citizenship, but to a certain extent we did do it.

Q It was not your understanding that the Committee had the power to admit persons to citizenship that had not theretofore been recognized as citizens? A I could not say that we considered it in the light of recognition; we had to proceed and make a statement as to whether they were Choctaws or not.

Q Do you remember the requirements of the law? A To enroll all Choctaws by blood residing in the Choctaw or Chickasaw Nations at the date of the passage of that act, which was sometime in March or April of that spring.

Q Do you understand that you had power to enroll persons who had Indian blood, who, to your certain knowledge had just removed to the Indian Territory, and had never been admitted by the Choctaw council

A No sir.

Q Do you know if the names of these persons are on the '96 roll?

A I couldn't say.

Q Who composed the Commission by which the roll of '96 was made up?

A In the Chickasaw district? A

Q If there was a separate ~~district~~commission for the Chickasaw district? A There was. It was Judge Lewis, Jesse Gardner and Julius Folsom composed that commission.

Q Who appeared before you in the Chickasaw Nation in making up this pay roll, on behalf of these people. A Nobody.

Q Who seemed to look after them? Who seemed to look after their business for them? A Old man Ormdorf himself, came while we were at Wynnewood, and he rather left the children in the lurch there. It seemed there was some process for him in the courts, and we got to asking him questions, and when his turn came he had taken to the brush; and we couldn't find anyone to identify them.

Q Was he at that time, married to Kate Karl? A I don't know whether he was married to her.

Q But you understood that he was at that time married to her? A No, I don't know it.

Q You refer to Ed Ormdorf? A Yes sir.

Q Did Kate Karl appear before the Commission on behalf of these children? A No, I never saw her.

Q How old was the eldest one? Was it grown? A No, I don't recollect Mollie Boswell married shortly after. If she was, she was very young.

Q Is it your recollection and testimony that only these applicants appeared before the Commission, and that no one else appeared for them? A No one else appeared for them; I knew these children were standing and crying, and we had to get someone to get them away.

Q What character of testimony did they give before you when they were insisted? A They stated-- I don't know that they presented any testimony, more than they claimed this---

Q How was it set up? By deposition or personally? A Personally, and we put them on the doubtful roll. Gardner, who was one of the Commission, lived within a few miles of the Richards place, where they claimed their mother was raised.

Q They claimed that their mother had at one time lived with Richards?

A Yes, and Gardner says, we will put them on the doubtful roll and when I get home I will look up the matter.

Q Then they claimed that their mother, whom they claimed at one time was Milen McCoo, had lived with Bill Richards? A Yes, on the Bill Richards place.

Q They said that Bill Richards could know them? A I don't know as

they did; they claimed their mother was raised on the place; They said their mother was Ellen McGee; that she was a Choctaw and was raised on the Richards place.

Q Where is the Bill Richards place? A About 9 or 10 miles east of Caddo.

Q Do you know Bill Richards personally? A I know his place.

Q Is it your understanding that he is still living? A Yes, I think he is; he was the last time I knew any thing about him, a year ago.

Q Did you see Kate Earl that spring in the Choctaw Nation?

A No sir.

Q She didn't appear before your commission at all? A No, if she did, I don't remember at all, and I ought to have known Kate Earl because I have represented her in a case. If her name was mentioned I would have know it.

Q It is your recollection that she did not appear in behalf of these children? A I don't think she did.

Q When did you first hear of her in the advocacy of the claims of these children? A I don't know; sometime after that, or long about that time; it may have been it was right after that close.

Q I will ask you whether or not you know if the names of these persons appear on the '96 rolls? A I could not say.

Citizenship roll of the Choctaw Nation, 1896, examined, and it is found that the names of George W. Blevins, Ida Rose Blevins, John Orndorf and Frank Boswell, are not there.

CROSS EXAMINATION:

By Mr. Claude Weaver:

Q You state that you, in connection with two other Choctaw Indians, formed a committee for the enrolling of Choctaw Indians residing in the Chickasaw Nation, for the purpose of distributing money among them? A Yes sir.

Q Who were they? A Green Gardner and Mr. James.

Q These parties made application as Choctaws by blood, living in the Chickasaw Nation? A Yes sir.

Q Was there any roll of Choctaw Indians at that time? Any general roll of Indians by blood? A No, there was no roll up to that time that I know of.

Q That was the first attempt at a complete roll of the Choctaws by blood that was made? A Yes, so far as I know; in my lifetime.

Q By what authority did you act? Your commission? Yourself and the other two? A By an appointment from our chief, under an act of the council authorizing him to make these appointments.

Q You held your commission by appointment of the Chief of the Choctaw Nation, and he acted under virtue of the law of the Choctaw council? A Yes sir.

Q Then there was a revisory board with final powers to enroll Choctaws by blood, for the purpose of receiving these payments?

A Yes, they revised all rolls of both nations.

Q They had final authority over these names, which you had not enrolled yourself? A Yes, we took them to the revisory board.

Q This revisory board had final power under arrest of council to make this roll? A Yes sir.

Q Then the revisory board did enroll these applicants as Choctaws by blood residing in the Choctaw Nation, and entitled to receive the lease money, did they not? A That was my understanding; I was not present. I simply saw the records placed in my hands afterwards.

Q You have seen these names on these records? A Yes sir.

RE-DIRECT EXAMINATION.

By Mr. Cornish:

Q When these children appeared before you at Colbert and Wynnewood did they make any statement as to where they had lived previously?
A If they did, I don't remember.
Q Do you remember if you learned from them at the time, if they had lived for many years in Denison, Texas, and had only recently removed to the Indian Territory with their step-father, Orndorf?
A That state of facts was not brought out before us at that time.
Q Did they pursue the matter from their appearance before you to the revisory board, either by person or attorney? A I can't say.
Q Do you know whether anyone was present before the revisory board to represent them? A I couldn't say.
Q Do you know whether they were present either in person or by attorney, or had anyone representing them before the Committee, when the money was finally paid to them? A A I know this, that I got there just after they had received their money and Green Gardner, it appears, went in and got the money for them.
Q Did you see Kate Karl, about the Commission or the Choctaw council about that time? A If I did, I didn't know it. Mollie Hyberger was there; I don't think Mrs. Karl was there.
Q You don't know whether she appeared before the revisory board or not? A No sir.

Luke P. Moore, being first duly sworn by Acting Chairman Bixby, testified as follows:

By Mr. Cornish:

Q What is your name? A Luke P. Moore.
Q How old are you? A 71 years.
Q Where do you live? A Sterrit, Indian Territory.
Q Are you a citizen of the Choctaw Nation? A Yes sir.
Q Do you know Ed Orndorf? A Yes sir.
Q Where did you know him?
A I disremember exactly; some years ago.
Q Where was he living when you knew him A On the Washita.
Q What family did he have? A He married a widow woman with two children.
Q Whom did he marry? A Kate Karl.
Q Was she a Choctaw Indian? A Yes sir.
Q She had two children? A Yes sir.
Q Did he have some children when he married her? A Yes sir.
Q When did he come to the Indian Territory? Where from?
A Denison, I believe.
Q How many children did he bring with him? A I disremember; four or five.
Q Do you remember the names of any of them? A The eldest was named Nellie, and the eldest boy was named John.
Q Do you remember the names of any of the others? A No sir.
Q Do you think you could remember them? A I have heard them, but I disremember them now.
Q You think there were four or five of them? A Yes.
Q In what year was it that you know Orndorf on the Washita? A Some where in the '90's.
Q Do you know if these children that Orndorf brought with him from Denison, Texas, to which you have referred, are claimed to be Choctaw Indians? A Yes, it is my understanding.
Q I will ask you if Orndorf made any statement to you as to these children? A He said they was his children.

Q Did he state anyth ing further in regard to them; did he state what nationality these children were? A Yes, he said they were Germans.
Q When was that? A It was in '90 sometime.
Q Do you know where Orndorf is at this time? A He was up in the Pott country.
Q Do you know the present name of this girl Mollie? A She married a German by the name of Jim Harbarger
Q Did you say German or gentleman? A German, I think.
Q Did orndorf make any other statement to you in regard to these children? A I disremember now.

RE-CROSS EXAMINATION

By Mr. Weaver:
Q He told you they were Germans? A Yes sir.
Q And that they were his children? A Yes sir.
Q Orndorf was a German himself? A I think he was.
Q Did he speak German fluently? A I never heard him.
Q Do you speak German yourself? A No sir.
Q Was that before or after these children began to claim rights of Choctaw citizenship? A That was before I reckon.
Q Was he at that time, married to this Choctaw woman? A Yes.
Q Did he make any statement as to whether or not these children were Indian blood? A N' sir.
Q He only made the statement that they were German? A Yes sir.
Q Do you remember the time Mollie Hybarger married this man Hybarger?
A I can't tell you the year.
Q Do you know of any statement that Mrs. Earl, the wife of Orndorf, made to the county judge of the Choctaw county where they were residing, about the time of this marriage? A No sir.

J. M. Franklin, being first duly sworn by Act ing Chairman Bixby, testified as follows:
By Mr. Cornish:
Q What is your name? A J. M. Franklin.
Q Where do you live? A Colbert, Indian Territory.
Q How old are you? A 47 years.
Q Are you a citizen of the Choctaw Nation? A Intermarried.
Q Do you know these applicants, Ida Rose Blevins, Frank Boswell, George W. Blevins, and John Orndorf, and also, Annie Roberts and Mollie Hybarger? A Not personally.
Q Do you know Dr. H. F. Murray? A Yes sir.
Q Please relate to the Commission what tookplace inyour presence and Dr. Murrays, in regard to these people some years ago, and what steps you took inconsequence?
A I think it was in 1898 Dr. Murray and myself were going to Tishomingo; I had some business with Henry Early whom I was representing at thattime in a case pending before the Choctaw Nation. We drove by Mr. Earls and took dinner. While there, the question of these Orndorf children came up. Mr. Earl and his daughter stated that Kate---

By Mr. Weaver: Who else was present? A Dr. Murray and myself and Mr. Earland his daughter.
Question objected to

A In the conversation Earl stated that Mrs. Orndorf had put these Dutch children in the orphans home; some I believe that was about the sum and substance of that conversation.
Q What did you do? Where did you go? A A Upon our arrival at Tishomingo, I met with Moseley who was school superintendentof the Chickasaw Nation, and I related to him what Earl had told me in regard to these children, and he said he would go down and take them out of the school.

Q Do you know whether he did or not? A Not of my own knowledge.
Q Dr. Murray was present when this conversation took place, was he?
By Mr. Weaver: I move to strike out the testimony of the witness, because no fact therein stated is within his own knowledge, and because all of his testimony is hearsay, and none of the statements of himself or other third parties were made in the presence of any of the contestants.
By Mr. Bixby: The objection is sustained as to that portion that relates to what the witness has stated was told by other parties--by Earland his daughter.
Q Do you know this girl, Mollie?
A I met her once at old Briar creek in the Chickasaw Nation.
Q Do you know when she married Jim Rybarger? A A I was present when she married him.
Q Was Kate Earl present? A Yes sir.
Q What position did she sustain? A She came therewith them. With Rybarger and this girl.
Q Just how was Kate Earl related to this girl, asyou understood?
A I understood her to be her stepmother.
Q Who was Kate Earl's husband at that time? A Ed Orndorf.
Q How long had he lived in the Choctaw Nation prior to that time?
A Just a short while.
Q Where did he come from to the Territory?
A I don't know only from hearsay.
Q When he came into the Territory, did he bring these children, Mollie, Annie, John, Frank and Ida? A I don't know.
Q You don't know whether he came from Texas and brought these children with him? A No sir.
Q After he came he married this woman, Kate Earl? A Yes sir.
Q These children were living with him at that time, were they not?
A I could not state.
Q What statement if any, was made at that time by Kate Earl, the Chickasaw woman, with regard to this girl Mollie? A When the application was made for a license to Judge Dickinson, he was dilitory about granting the license, and Mrs. Orndorf came to the relief and said that this girl was a relation of hers, and that she was a Choctaw girl.
Q Did she state what relation? A My impression is not positively; I believe she stated the girl was her niece.
Q Upon that statement, as you believe, thelicense was granted?
A Yes sir.

CROSS EXAMINATION.

By Mr. Weaver:
Q Was you present when Mrs. Orndorf made this statement? A I was
Q You state that she said the girlwas a relation of hers? A Yes.
Q Do you knowwhether or not she stated positively, that this girl was hernieces? A I could notstate positively; that is my recollection.
Q Who else was present? A Judge Law, I believe Mrs. Thompson who is now dead, Jim Thompson and Mr. Rybarger, a gentleman who represented that name whom I had never seen before, and other persons.

----o------

Palmer S. Mosely being first duly sworn by Acting Chairman Bixby, testified as follows:

By Mr. Cornish:

Q What is your name? A Palmer S. Mosely.
Q What is your age? A 48 years.
Q You are a citizen of the Chickasaw Nation? A Yes sir.
Q You have held various officials positions under the Chickasaw government? A Yes sir.
Q Where do you live? A I live at Wapunnucka.
Q Do you know these claimants, Annie B. Roberts, Ida Rose Blevins, John Ornderf, Frank Boswell and Mollie Nybarger? A Not by those names, but I think I know Mollie.
Q Were any of these children, at one time, in the schools of the Chickasaw Nation? A Yes sir.
Q What official position did you hold at that time? AA School superintendent.
Q When was that? A In 1888--along 1887-8.
Q Upon whose statement was it they were put in the Chickasaw school?
A Of Kate.
Q What was her name at that time? A I believe Ornderf at that th.
Q What had been her name before that? A I had never met her before that time.
Q Was she a Chickasaw woman? A Yes sir.
Q Who was her husband at that time? A Ornderf.
Q What statement did she make in regard to these children?
Q She stated that it was her own children; seemed like some relation of her own children.
Q She vouched for them? A Yes sir.
Q And it was uponher statement that you put them in the Chickasaw school? A Yes sir.
Q Did you subsequently remove them from the Chickasaw school?
A Yes sir.
Q Upon what information? A Several persons. Franklin was one of them
Q Did you get information from Murray too? A Yes sir.
Q What was the information? A That they was not Chickasaws, that they was German or Dutch or something like that. It was reported to me
Q Did Kate claim that they were Choctaws ? A Kate claimed to be Chickasaw.
Q Did she claim to be Choctaw or Chickasaw? A She claimed Choctaw and some Chickasaw blood.
Q It was upon his information that you removed them? A Yes.
Q Were they afterwards re-admitted to the Chickasaw schools?
A No sir.
Q You reported verbally to Kate yourself?
A I reported to her myself after I removed them, and she hesitated and didn't want to talk about it; she was horseback and she left
Q You wanted to talk with her about it and she left you? A Yes.
Q Do you know what her relationship was to these children?
A No, I don't

CROSS EXAMINATION.

By Mr. Weaver:

Q Didn't she claim that these children were Choctaws? A No sir.
Q She claimed that they were her children? A Yes, but I didn't ask her if she was their mother or not?
Q She was their step-mother, was she not? A I think so; that was what I was informed as near as I can make it out.
Q They never made any attempt to re-enter your school? A No sir.
Q They made no application any more? A No sir.
Q They didn't come back when you told Kate to take them out? A Yes, and she was horse back and just left.
Q How many children were in the school? A I believe two.
Q Do you remember the names? A I think Mollie was one.

Q Do you know how long they were there? A They were there one session.

R E - D I R E C T E X A M I N A T I O N .

By Mr. Cornish.
Q Were Choctaw children given admission to your schools? A No

R E - C R O S S E X A M I N A T I O N

By Mr. Weaver.
Q If they had been Choctaw children they would not have been given admission to your schools? A No, she was a Chickasaw. I understood the chil dren were.

-----o---------

Testimony on behalf of the Applicants.

J. C. Hybarger, being first duly sworn by Acting Chairman Bixby, testified as follows:
By Mr. Weaver:
Q State your name? A J. C. Hybarger
Q You are the husband of Mollie Hybarger? A Yes sir.
Q Are you a german? A No, I can't say that I am.
Q You are a native of what state? A Texas.
Q I think you stated that you are the husband of Mollie Hybarger?
A Yes sir.
Q What is the relationship of Frank Boswell to this girl?
A Brother.
Q How long have you known Frank Boswell? A Fourteen years.
Q How old was he when you first knew him? A About 11 years old.
Q Where was he living? A He was living on the Washatah near Colbert.
Q In the Indian Territory? A Yes sir.
Q Where does he live now? A At McAlester, Indian Territory.

--------o--------

Frances R. Brown, having been first duly sworn upon her oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on the 7th day of December, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Frances R. Brown

Subscribed and sworn to before me this 11th day of December, 1900.

Acting Chairman.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Atoka, I. T. December 6th, 1900.

Choctaw Nation

vs. No. D. 565.

George W. Blevins et al.

In the matter of the application of George W. Blevins for enrollment as a citizen by intermarriage of the Choctaw Nation.

Choctaw Nation

vs. No. 586.

John Granderff

In the matter of the application of John Granderff for enrollment as a citizen by blood of the Choctaw Nation.

BY THE COMMISSION: It is agreed that the testimony taken in these cases at this time shall apply to Frank Bonnell.

On December 6th, 1900, at a session of the Commission to the Five Civilized Tribes at Atoka, Indian Territory, the above entitled cases being called for further hearing, and the Choctaw Nation being present by its counsel Mr. Melvin Jones, and the applicants appearing by their attorneys Mr. A. Wolf, and Mr. J. G. Ralls, the following proceedings were had, viz:

William L. Odom, being sworn by Acting Chairman Kirby, was examined upon the part of the Choctaw Nation by Mr. Cornish, and testified as follows:

Question. What is your name?
Answer. William L. Odom.

Q. How old are you, Mr. Odom? A. I am forty-seven.

Q. Where do you live? A. I live at Stanley in the Chickasaw Nation.

Q. You are a citizen of the United States, are you? A. Yes, sir.

Q. How long have you lived in the Chickasaw Nation? A. I could not tell you exactly how many years, I can tell you about when I came to the Territory.

Q. All right. A. Well, it was about twenty-one years ago the first of last January.

Q. And you at that time live at Denison, Texas? A. Yes, sir. I made my home at Gainesville about a year and a half and I went from there to Denison, Texas.

Q. What was your work in Denison, Texas? A. I was chief engineer, that is, I worked the engines in the quarry and then I was

to work at mason work.

Q How long did you live in Denison, Texas, and ~~xxxx~~ work at that kind of work? A About five years.

Q Whil residing in Denison Texas did you know a man named Ed Orndorff, and did you ever know his family? A Yes, sir.

Q When was it that you first became acquainted with these people? A About the latter part of 1881 or the first part of 1882.

Q Do you remember the name of Orndorff? A Yes, sir; Edwin Orndorff.

Q About how many children were in the family at that time? A There were three or four at the time I first formed his acquaintance.

Q Were any children born after you became acquainted with them? A One of them.

Q Do you remember the names of the children in that family at that time? A Yes, sir; I think I do.

Q Mention them. A Now, i t does not matter about them being out of rotation, does it?

Q No, sir; just as you recollect them. A Well, there was Frankie; since that time they call him George considerable; and Mollie and Annie and Cora and Johnnie--Johnnie was the baby.

Q Was the child born after you first became acquainted with him? A Yes, sir.

Q About how long did you know these people at Denison, Texas? -- during a period of what length of time? A Something like four years I would say.

Q Now, what were you relations with this man Orndorff at that time? A I was working for him. I was in his employ.

Q Did you know him quite well? A Yes, sir; I should think so.

Q How well did you know his family and in what way did you know them? A Why, I lived on Mr. Orndorff's property a good part of the time, and I was frequently at his house. We lived ear to us just like a door neighbor, across the street part of the time and part of the time probably a half a block or a block away, something like that. I moved several times, but I was principally living on his property. Mr. Orndorff had quite a bit of property there.

Q Then you were working for and with him and about his family? A Yes, sir; and some times he sent me for his tools at his house.

Q Then you were working for and with Mr. Orndorff and knew him and his family quite well? A Yes, sir.

Q Do you remember the name of his wife? A Yes, sir; Ella.

Q Mr. Odom, I will get you to state to the commission as to what nationality of this family, what the nationality of these people was. A Well, Mr. Orndorff, after we got very well acquainted, he was at my place, and in speaking or talking--he was well acquainted with us, he always called me Billy for short--he says Bill, "your wife is a ~~Xxxxxxxx~~ German, isn't she?" And I says "Yes, she is of German descent." And he says: "my wife is German," and I says "you also, I believe are German descent?" "Yes, sir;" he says. But, I says, "My wife is Pennsylvania German." His wife was what a man would term Low-Dutch. She was dark and she was low and had every resemblance of it.

Q When did this woman Ella, die? A I won't be positive but I believe it was in 1893 or 4--I can't say just when.

Q In 1883 or 1884? A Yes, sir. I remember well I was at the funeral, myself and my family.

Q Did Orndorff marry in Denison after that? A No, sir; he didn't marry in Denison, he married east of Denison. He married about seven miles east of Denison.

Q Do you know the name of the woman he married? A No, sir.
Q How long did he live with her? A Not a great while. They didn,t live together, I don,t think, anything like a year.
Q Did she die or did he separate from her? A He separated from her.
Q From the time you knew them now at the time youmention up until the time they left Denison, did you ever hear it stated by them or any one else, or claimed by them or any one else, that either this woman Ella or her children were Indians? A No, sir.
Q Did you ever hear a claim about Indian blood or Indian citizenship mentioned during your years of intimacy with this family? A No, sir.
Q You did not? A No, sir.
Q Where did Ornderff move from that country? A From Virginia, that is where he told me. I don,t know only what he told me.
Q When he left that country where did he go? A I suppose came to the Indian Territory. I came first.
Q Did you have any talk with Ornderff when he was talking of moving to the Indian Territory? A Yes, sir.
Q Just relate that, please. A Mr. Ornderff were good friends and----------
Q (interrupting) Now, before you get started on that. Was that after he death or separation from the second wife? A After the separation from the second wife. He asked me with regard to the Indian Territory, as I had lived principally in the Indian Territory, and he asked me in regard to the Indians. He says, "if a man had a right up there he could do all right couldn't he, Bill?" And I says: "I should think so." And he says "Well, from what you say I believe I will just go up and marry me one."
Q How long was it after that conferaation that he did move to the Indian Territory? A I couldn,t tell you anything about it.
Q How long was it after that that you saw Ornderff again? A I saw Ornderff to the best of my recollection in 1893.
Q Where was that? A That was at Wynnewood.
Q That was after he had lived in the Indian Territory a number of years? A Yes, sir.
Q What conversation did you have then? A I asked him with regard to how he was getting along and he was telling me, and he says-- now my brother had told me-------
MR. RALLS: (Of counsel for applicant) We object to the conversation which he now undertakes to relate because Mr. Ornderff has not testified as a witness and is not an applicant, and whatever he may have said at that time in the absence of these applicants would seem to be hearsay, and would not bind them.
MR. COBB: (Counsel for Choctaw Nation) We think the statements made by Ornderff by reason of his close connection and intimacy and close association with these people, would be competent.
MR. TELL: He was going to say something about his brother too.
MR. COBB: (Counsel for Choctaw Nation) No, I don,t want that.
THE WITNESS: Well, in speaking of this when I met him, I says to him, "Well, Ed," I says, "I suppose that you married your right or have got a right." "Yes, sir;" he says, "I will tell you," I says, "Who did you marry, Ed?" And he told me and then he told me who he married he says "I will tell you," he says, "she is a pretty sharp woman," he says, "She got away from me."
Q Had he separated from this Indian wife at that time? A Yes, sir.
Q Do you now the name of the Indian woman from whom he had separated? A He told me that he had married Kate Reed, and he says, "She has about broke me up, but," he says, "I have got a good

right, and I have got a good farm left me.

Q He had separated from the Indian woman at that time? A Yes, sir; and he says, "That is about all I have got."

CROSS-EXAMINATION - - - - - - - - - - - - - By Mr. Tell.

Mr. Odom, I believe youstated that some years since you became acquainted with Mr. Ed. Ormdorff in Denison? A Yes, sir.

Q He was then a married man and had some children? A He had some children. He said they were his.

Q Well, that is what I am getting to. There were some children there? A Yes, sir.

Q And he told you they were his children, did he? A Why he claimed them all the time.

Q Well, did he ever tell you specifically that they were his children? A Why, I don,t know; it was supposed that they were.

Q You just simply saw them there and supposed they were his children? A They called him papa and he called them son and daughter.

Q And that led you to believe they were his children? A Why, undoubtedly.

Q Were you ever seen an instance where a child wasn't related to any person at all calling that person father, and the father calling him son? A Why, yes, I have, I guess. I think so.

Q You say you were very intimately acquainted with him? A Yes, sir; very much so.

Q Did he ever tell you whether he had ever been married before or not? A He never did. He told me about his marrying this woman in Virginia.

Q Did he say that he had ever been married before? A No, sir; he did not.

Q Did he say that his wife had ever been married before? A No, sir; he did notbell me anything like that.

Q Then, as a matter of fact, you don,t know whether either one of them was ever married before? A No, sir; and I don,t know whether they was married before.

Q What did his wife tell you about it, you were acquainted with the family? What did she tell you about the affairs? A She didn't tell me anything in regard to the family affairs like that, no sir. I have heard them both speak though of things in Virginia as certain circumstances. I have heard it talked in her presence, Ed talked it in her presence. I have heard that much all right.

Q Did she ever tell you she was dutch and that she lived in Virginia? A No, sir; she didn,t do it, but Ed told.

Q Ed was a pretty reliable man, wasn't he? A I can't say that. That is a different question.

Q You were intimately acquainted with him? A Well----

Q (interrupting) You were intimately acquainted with him, and he was a friend of yours you said Was he that you would call a good man and a good neighbor? A That is not the subject.

MR. COBURN: Well, just go ahead and answer the question.

ACTING CHAIRMAN: Yes, sir; answer the question.

Q I submit you have a right to know. A Well, not in every instance. Not in every instance I wouldn't say it.

Q Would you swear to every statement that Ed ever made to you? A No, I would not some things, of course that g-------

Q (interrupting) Now, what makes you believe this when you would not believe him in other things? A Well, a little money goes a long way with a man sometimes, and I saw him do work when the dimensions called for other work, and I saw him get into trouble right

there at Denison, for instance------

Q (interrupting). Oh well, never mind that. If I understand you, you don't think Mr O'ndorff was such a man as a man could consider a reliable man, and whose statements are not exactly reliable? A Well, of course------

Q Of course I mean in a general way. A I don't know what he would do in regard to just talking, but if he is wanting to rush things along he was a little shoddy in some things.

MR. COWINS: (Counsel for Cheetaw Nation) That was in his work? A Yes, sir.

Q You consider that a good index to character, don't you? A Yes, sir; it would look reasonable.

Q What was he doing at Wynnewood, when you saw him? A Farming.

Q How far from there did he live? A He claimed it was about five miles. I have been out there to his place. I went out and staid all night two or three times, and he claimed it was about five miles out there.

Q Did he ever tell you what the names of his children were? A I have heard them call them. Then I could tell.

Q You have heard them call them by their first names, haven't you?--their given names? A Yes, sir.

Q Did you ever hear them called by their other name? A Why yes, sir; every body called them ornderff.

Q Was that their name? A I don't know. No, I couldn't tell you that.

Q You say he had one child born when you were there? A Yes, sir; John.

Q You think there is no doubt about him being Ornderff's child. At least he was born in lawful wedlock? A Yes, sir.

Q Now, what would you say as to the others? A No, I don't know. I saw another one of them when they were nursing it.

Q Well, do you know as a matter of fact---one of these children was named Mollie, did they ever call her Mollie Ornderff? A Well, every person did. Ornderff, certainly.

Q You don't know whether that was her name or not? A Why of course I told you I didn't know.

Q Did you ever hear of her being entered into some school under another name? A I heard of it, but I didn't hear it from them

Q What was the name as you heard she went by? A Boswell, I believe.

Q Did you ever hear the other children called Boswell? A No, sir.

Q Did you ever hear of any other one being called Boswell? A Why, it seems that I have, but not while they were there, not at Denison.

Q Did you ever have occasion to inquire what their names were when they lived at Denison? A Oh, Lands of Rest! No. Ornderff told me they were his children.

Q And you just supposed they were called Ornderff? A It looked that way.

Q If it turned out that their name was Boswell and John Ornderff was the only Ornderff child, you don't know anything about it, do you? A Well, I knew this. I know Mr Ornderff told me his wife's name was Boswell before he married her.

Q Now, that is exactly the idea I have been making. You think that is reliable, don't you? A No, sir; I couldn't say.

Q You believed it at the time, didn't you? A Yes, sir. I might believe lots of things and they not be facts.

Q Well, do you believe that? A I couldn't say any more about that.

Q He did tell you his wife's name was Boswell before he married her? A Yes, sir.

CROSS-EXAMINATION - - - - - - - - - - - - - - By Mr Ralls.

Q You never heard Mr. Ornderff and his wife speaking German to each other? A No, sir; I never did.

Q You say she was Low-Dutch because she was low in stature? A He said they were Germans and she looked like it. I am tolerably familiar with Germans.

Q You think she was Low Dutch, do you? A She resembled them, yes, sir.

Q Because she was low in stature? A No.

Q Why did you think she was Low-Dutch? In that way? A In build.

Q All right, have you examined her build? A (No response)

Q She was dark complected, wasn't she? A Yes, sir.

Q And dark haired? A Yes, sir.

Q Dark eyes? A Yes, sir; brown eyes.

Q And low? A She set low.

Q What kind of a nose did she have? A Roman nose.

Q Roman nose. She di n't have a German nose on her then? A That is all right about that. You will find Germans that have got pretty good noses on them.

Q You hardly ever find them with Roman noses, though, do you? A I have saw them with Roman noses.

Q You have seen Germans with Roman noses. They didn,t have very much German in them when they had Roman noses, did they. I should think so. I don,t know.

Q Are you German? A No, sir.

Q Part German? A No.

Q What dascent are you? A Scotchman.

REDIRECT EXAMINATION - - - - - - - - - - - - By Mr. Cornish.

Q You say your wife was a German? A Yes, sir.

Q You and your family were intimate with Mr. Ornderff and his family were you? A Yes, sir; I have stated that.

Q What statement was it that Mr. Ornderff made to you bout where they came from to Denison? A Why from Virginia.

Q And your statement is that he stated to you he married this woman in Virginia? A Oh, yes, I heard him speak of several occurrences that taken place all along from the time he was married, it seemed like.

Q Do you remember any of those occurrences he spoke about having transpired in Virginia? A Oh, yes.

Q Just relate them, please.

A In regard to stone work and such as that.

Q Do you remember any particular place in Virginia he spoke of? A No, sir; I don,t , only I remember of his speaking about putting up various kind of buildings, he and his brother. It seems that it is a kind of a disease, stonemason work, amongst his brothers. And I saw two of his brothers that came to Denison there and worked there some.

Q Where did they go from there. A They came from Virginia they said. That is all I know, only what they said.

Q What is the name of this woman who died, and who was the mother of those children? A Why Ed Ornderff told me her maiden name was Boswell, as well as I remember.

Q Her given name? A Ella. That is always what he called her.

MR. TEEL: (Of counsel for applicants) Ellen, was it? A No, sir; Ella.

Witness excused.

Chectaw Nation v. Blevins et al.
Chectaw Nation v. Ormsbyff————————?.

JOSEPH R. LAWRENCE, being sworn by Acting Chairman Bixby, was examined upon behalf of the Chectaw Nation by Mr. Cornish, and testified as follows:

Question. What is your full name? A Joseph R. Lawrence.

Q How old are you? A Sixty-six.

Q Where do you live? A I live twelve miles beyond Stonewall.

Q Are you a citizen of the Chickasaw Nation? A Yes, sir.

Q Mr. Lawrence, do you know Bill Richards? A Yes, sir.

Q Where does he live? A If he is living yet he is living about four miles from Caddo in Blue County.

Q How old a man is he now? A Somewhere near my age.

Q How long have you known him? A I have known him about thirty-five years, maybe a little longer.

Q Then you became acquainted with him about the time of the war or a little after? A Yes, sir; during the war.

Q What children did he have? A He only had one of his own.

Q What was the name of that child? A Ella.

Q What was the name of his wife by whom he had that child? A Her name was Susan.

Q What became of this child Ella? Who did she marry? A She married a man by the name of Duff Riddle.

Q Is she living at this time? A I don,t know whether she is or not.

Q Where has she lived? A They live about twelve miles east of Caddo.

Q Is the family of Richards, so far as you know, related to these applicants, the Blevins' and the Ormsbyffs? A No, sir.

Q Wehh for how long a time were xkkk were you with the family of Richards, Bill Richards? A Oh, I have staid there sometimes as high as three months at a time. I was working with cattle about all the time.

Q Have you known Richards and his family intimately from the time you first knew him up to the presenttime? A I think I do.

Q Did Mr. Richards raise a girl named Ellen, that was not related to him? A No, sir.

Q Was there ever a girl that lived in his family,as far as you know that was not a member of the family? A I saw one girl that he partly raised by the name of Nancy McFarlain.

Q What doyou know about her? A She afterward married a man by the name of Bill Hammock, down in Skulleyville County, Chectaw Nation.

Q What became of them? A I don,t know what became of them after they moved from Blue County.

Q What was her blood? A She was white.

Q Was there ever a claim of Indian blood made for her? A No, sir.

Q Her name was Nancy McFarlain? A Yes, sir.

Q Do you know of any other girl either of his own or that was named that that lived aeout him during this time? A No, sir; only the woman that was grown.

Q He never raised any girls only this Nancy McFarlain girl and his own girls? A No, sir; that is all I know of.

Q If he had raised any other girl do you think you would have known it? A Most assuredly I would.

Q What statements if any did this applicant John Ormsbyff ever make to you in regard to their claim to Indian citizenship? A He told me that Kate O'Brien, I think she is now, said if she he would raise three hundred dollars she would get him on the roll.

Q Did he make any statement as to what had been paid to her to get him on the roll? A He just made the remark---The Hibergar and his wife had give Kate a plece up there————

Q (interrupting) Did Kate ever a piece up there after that time?

A I don't think she did. I think she sold the place.
Q She did subsequent to that time own a place? A She did have a place.
Q What did she do with the place? A I don,t remember. Sold it I think.
Q This Kate you speak of was athe woman who was at one time the wife of Ed Orndorff? A Yes, sir.
Q Was she regarded as a Chickasaw Indian? A Yes, sir. She was a Sturdivant, and then married a man by the name of Kyburg ~~xxx~~ Earl and then she married this Orndorff.
MR. TELL: (Of counsel for applicants) I thought you claimed all these children were Orndorff's?
MR. COBBISH: (Of counsel for Choctaw Nation) No, sir; there was no claim of that kind.
Q When was it that this statement was made to you by John Orndorff, one of these applicants? A It was sometime last summer, July or August. It was sometime during the summer.
Q You have lived all your life in the Chickasaw Nation, haven't you? A No, sir; I have lived in the Chickasaw Nation eight years. I have lived most of my life in the Choctaw Nation.
Q You were born and raised in this Indian Territory? A Yes, sir.
Q Did you ever hear of the citizenship claim of these persons until recent years? A No, sir; I never did.

CROSS-EXAMINATION - - - - - - - - - - - - - - By Mr. Tell.
Q When is the first time you ever heard of these parties, Mr. Lawrence------
A (interrupting) It was up there when I was up there registering in the Choctaw and Chickasaw Nations. I was living in the Chickasaw Nation. They came to register and I and the rest of the Commissioners rejected them. That was the first time I even heard of it.
Q Where did they first appear? A At Pauls Valley, I think.
Q Wynnewood, wasn't it? A No, sir. There were no books taken to Wynnewood at all.
MR. TELL: Now, I desire to change my statement made yesterday from Wynnewood to Pauls Valley. We didn,t open the books at Wynnewood, but we did at Pauls Valley.
Q. You were a member of this Commission? A Yes, sir.
Q Where was the next time you met these people? A I might have met them at Colbert Station or Stonewall, but I don,t recollect of meeting them any more.
Q I will ask you if you took the record made by the Commission to Tuskahoma? A I did.
Q Did you know of the cause any more after that? A I just referred it to the board as being doubtful.
Q And you left it with the board? A Yes, sir; I did, and the board rejected them.
Q That is according to your information? A Yes, sir. I learned afterwards that they got on through Green Gardner, and drew their money there.
MR. COBBISH: (Counsel for Choctaw Nation) Green Gardner was a member of this Commission? A Yes, sir; and he was a member of the Legislature.
Q You didn,t know these people any more then from your contact with them when they appeared for enrollment? A That is all I have known until later. I got acquainted with Jim Highberger afterwards. As to his wife, I don't know anything about her.

Thomas Nelson v. Blevins et al———D.
Choctaw Nation v Cumberd———D.

REDIRECT EXAMINATION - - - - - - - - - - - By Mr. Cornish.

Q. You were a member of the Commission charged with the duty of enrolling full and fractional Choctaw Indians residing in the Chickasaw Nation for the Leased District payment? A Yes, sir.

Q. You say these people appeared before you first at Paul's Valley? A I think so.

Q. Did any one appear here for them or in their interest at that place? A I don't remember that they did.

Q. They next appeared before you at Calvert? A It was either at Calvert or Stem Hall, I think.

Q. Do you remember seeing this woman Kate Earl about your Committee? A She didn't speak to me about it, and I don't remember hearing her about it at the time.

Q. They were placed upon the doubtful list and transmitted to the revisory board? A Yes, sir.

Q. And you understood the revisory board rejected them? A I was on the revisory board and I know they rejected them.

Q. Then it came up on the doubtful list to the revisory board? A Yes, sir.

Q. And when the revisory board met the revisory board rejected these people? A Yes, sir.

Q. And it is your understanding they subsequently received leased district money?—and through the efforts of Green Gardner? A Yes, sir.

Q. I will ask you if there wasn't a board of revision composed of the Chief and his Cabinet, to pass on these cases? A Yes, ———

Q. (Inter'ting) I will ask you on that point what method of procedure the Council adopted? A I don't know anything about it. I wasn't there.

Q. I will ask you if there were any other people that were left over and paid by the council? A Yes, sir; some of these Pikeneers, I understand, were left over. And then there was some of the Jones put out of it——not Jones, but Wells. Henry Fynton drew their money for them——Mrs. Carroll she was then.

Witness excused.

———o———

The undersigned, being duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings in the above-mentioned cause had in the forenoon of December 6th, 1920, and that the foregoing is a correct, true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 10th day of December A. D. 1920.

Acting Chairman.

COMMISSIONERS.
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Choctaw D-358

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 1, 1902.

John Crnderff,

McGee, Indian Territory.

You are hereby notified that the application of yourself for enrollment as a citizen of the Choctaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 9th day of April, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

Register.

T. B. Needles.

Commissioner in Charge.

Department of the Interior.

Commission to the Five Civilized Tribes.

In the matter of the application of John Orndorff for enrollment as a citizen by blood of the Choctaw Nation. ----D 358----

On the first day of March, /1902, the applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw Nation were notified by registered mail, that the application of John Orndorff for enrollment as a citizen by blood of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office at Muskogee, Indian Territory, on the 9th day of April, 1902, for final consideration.

Now, on this 9th day of April, 1902, this cause coming on to be heard pursuant to said notice, the Choctaw Nation appeared by its attorneys, Mansfield, McMurray & Cornish, and the applicant, being called, failed to appear, and the following statement was made:

Mr CORNISH: I have just received a telegram from Claud Weaver, attorney for the applicant, asking that this cause be continued; We have no objections to offer to such continuance.

By the Commission:

This cause will be continued until the sixteenth day of April, /1902, for final consideration.

-----o-----

Harry C Risteen, being first duly sworn, upon his oath states That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 9th day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Harry C Risteen

Subscribed and sworn to before me this 10th day of April, 1902.

Clarence Tullwood

Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, April 16, 1902.

In the matter of the application of John Orndorff as a citizen by blood of the Choctaw Nation. D-358.

Now on this 16th day of April, 1902, this cause coming on to be heard pursuant to said continuance heretofore granted, the Choctaw Nation failed to appear, and the applicant appears by his attorney, Claude Weaver, of Pauls Valley, Indian Territory, and asks until May 1, 1902, in which to file a brief of his case, and submits this cause upon the evidence and record as now made up with the following explanation:

At Caddo, Indian Territory, the testimony of George W. Blevins taken by the Commission was simply as to his marriage under the Chickasaw law to Ida Blevins, and the introduction at the time of his certificate of marriage dated April 5, 1899, and the balance of the testimony given as the testimony of George W. Blevins as shown by the record, is not the testimony of George W. Blevins himself, but the testimony of George Boswell, taken at the same time and place, and interjected as a part of the testimony of George W. Blevins by mistake.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on April 16, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of April, 1902.

Hal Belford

Subscribed and sworn to before me this 19 day of April, 1902.

Clara Mitchell Wood
Notary Public.

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of John Orndorff as a citizen by blood of the Choctaw Nation, Choctaw Field No. D-358.

- - - - - - -

We hereby request, on behalfof the Choctaw and Chickasaw Nations, that final decision in this case be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of Mattie Lee Armstrong, et al., vs. Choctaw and Chickasaw Nations, No. 59 on the Tishomingo Docket, in which the said court will decide the question of what compliance, by the applicants or their ancestors, with the third or the fourteenth articles of the treaty of 1830 was necessary in order to be entitled to enrollment and to participation in the distribution of tribal property of the Choctaws and Chickasaws, notwithstanding their recognition as citizens by the tribal authorities of the Choctaw Nation, which question is involved in the case to which this communication refers.

This request is filed under authority granted by the Honorable Secretary of the Interior in his communication to the Commission to the Five Civilized Tribes upon the subject, dated November 18, 1903.

Attorneys for the Choctaw & Chickasaw Nations.

January 23, 1904.

7-D-358.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of John Orndorff as a citizen by blood of the Choctaw Nation.

--: D E C I S I O N :--

It appears from the census card record in this case that on August 24, 1899 application was made to the Commission for the enrollment of John Orndorff as a citizen by blood of the Choctaw Nation. Further proceedings were had in this case at Atoka, Indian Territory on December 5, 1900, December 7, 1900 and December 8, 1900.

It further appears from the census card record in this case and the record herein that the applicant is a son of Ellen Orndorff (formerly Boswell), deceased, a recognized citizen by blood of the Choctaw Nation and Ed. Orndorff, a white man having no rights of Choctaw citizenship by blood.

Upon an examination of the tribal rolls in the possession of the Commission the applicant is identified upon the 1893 Choctaw Leased District Payment Roll, Kiamitia County, page 125, number 18 (as John Arndorff) and upon the 1896 Choctaw Census Roll, Atoka County, page 254, number 10015 (as John Ondaff), enrolled on said rolls as a citizen by blood of said nation.

It further appears that the applicant was a resident in good faith of Indian Territory on June 28, 1898, all applicants listed upon census cards in 1899 having been first examined as to such fact although their testimony was not reduced to writing.

It is contended by the attorneys for the Choctaw and Chickasaw Nations that Ellen Orndorff (formerly Boswell), the mother of the applicant herein, was not a citizen by blood of the Choctaw Nation but a white woman of German descent who removed from Virginia or North Carolina to Denison, Texas, where the applicant was born and where the said Ellen Orndorff (formerly Boswell) subsequently died, and that therefore, the enrollment of this applicant upon the 1893 Choctaw Leased District Payment Roll and the 1896 Choctaw Census Roll was fraudulent and without authority of law; but the evidence introduced in this case is entirely insufficient to conclusively establish said contention.

It is, therefore, the opinion of this Commission

that John Orndorff should be enrolled as a citizen by blood of the Choctaw Nation, in accordance with the provisions of the acts of Congress approved June 28, 1898 (30 Stat., 495) and July 1, 1902 (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

JAN 7 - 1905

Choctaw D 358

COPY.

Muskogee, Indian Territory, January 7, 1905.

John Grundorff,

McGee, Indian Territory,

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered January 7, 1905, granting your application for enrollment as a citizen by blood of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling you as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, your name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED)

Tams Bixby

Chairman.

Registered.

Incl. 7-D-358.

Chestaw 3 344

Muskogee, Indian Territory, January 7, 1906.

J. A. Ealey,

Attorney at Law,

Ada, Indian Territory,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on January 7, 1906, rendered its decision granting the application for the enrollment of John Bridgeroff as a citizen by blood of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, his name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Registered.

Chairman.

Chestnut 3 MS

COPY.

Muskogee, Indian Territory, January 7, 1905.

Albert Rennie,
Attorney at Law,
Paula Valley, Indian Territory,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on January 7, 1905, rendered its decision granting the application for the enrollment of John Crudgeff as a citizen by blood of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, his name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

COMMISSION

Tams Bixby

Chairman.

Registered.

Choctaw D 358

COPY.

Muskogee, Indian Territory, January 9, 1906.

Claud Weaver,
Attorney at Law,
Pauls Valley, Indian Territory,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on January 7, 1906, rendered its decision granting the Application for the enrollment of John Orndorff as a citizen by blood of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, his name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

Tams Bixby

Chairman.

Registered.

Cherokee D 358

COPY!

Muskogee, Indian Territory, January 7, 1905.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission rendered January 7, 1905, granting the application for the enrollment of John Crudorff as a citizen by blood of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, his name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Tams Bixby

Chairman.

Registered.
Incl. 7-D-358.

See Choctaw 3856 for registry receipt for this letter.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Atoka, Indian Territory, December 7, 1900.

THE Choctaw Nation :
:
vs : Choctaw D- ____
:
Frank Boswell et al. :

APPEARANCES:

For the Choctaw Nation, Melvin Cornish, Esq.,
For the Applicant, Claude Weaver, Esq.

It is admitted by Mr. Cornish, attorney for the Choctaw Nation, that Frank Boswell made an appearance at Caddo, Indian Territory, in August, 1899, and formally applied for citizenship as a citizen of the Choctaw Nation.

A. Tellie, being first duly sworn by acting Chairman Bixby, testified as follows:

By Mr. Cornish:

Q You are a citizen of the Choctaw Nation by blood? A Yes sir.
Q How old are you? A 42 years.
Q Have you held various positions in the Choctaw Nation? A Yes sir.
Q Yes sir.
Q What position did you hold in '92? at the time the pay roll for the lease district was being made up? A In '93, I was appointed on a Commission along with Joe Lawrence and Green Gardner, to make up the rolls of the Choctaws residing in the Chickasaw Nation for the lease district payment
Q Do you know the applicants for citizenship, Ida Rose Blevins and her children, Annie B. Roberts and her children, Frank Boswell and Mollie Hybarger? A I don't know as I know all the children.

By Mr. Weaver: I desire to call the attention of the Commission to the fact that there seems to be a mistake with regard to the status of Annie Roberts. She made proof before the Commission under the act of June 10, and was enrolled by the Dawes Commission, and was not appealed from by the Nation. The Nation appealed from the judgment as to the husband.

By Mr. Cornish: If that be true, the testimony would properly apply to Ida Rose Blevins and her family, and John Ormsorf.

Q Mr. Tellie, what relation did you maintain to the Commission whose duty it was to make up the pay roll for the lease district?
A I was one of the commissioners.
Q Charged with what duty? A With making up the roll of Choctaws by blood, residing in the Chickasaw Nation, for the distribution of the lease district money, and there was another condition; they had to be residents of the Choctaw or Chickasaw nations at a certain date.
Q What other persons composed that committee? A Green Gardner, who is now dead, and Joe Lawrence, who is living in Stonewall, and myself.
Q I will ask you if Ida Rose Blevins, Mollie Hybarger,, Annie B. Roberts, John Ormsorf and Frank Boswell appeared before your

Commission to be enrolled for that payment? A Yes, but I didn't know them by these names. Millie Ryberger is the only one that was married.

Q I will ask you if they appeared before you to be put on the lease district payment? A Yes sir.

Q Where? A Their first appearance was at Wynnewood.

Q Did they make an appearance personally or through an attorney?

A Personally.

Q What did your Commission decide with reference to them? A They decided that the fact of their being Cherokees was not sufficiently plain for them to be enrolled.

Q You didn't place them upon the pay roll at that time? A No sir.

Q Where did they next appear? A At Corbet Station.

Q As you passed through the nation? A Yes sir.

Q What transpired at that time with regard to the enrollment of these people? A At that time they came, I don't recollect who it was from, but they brought a note or something of the kind to someone up there that claimed to know them, and they seemed to be so persistent in asking that they be enrolled, and so certain, that we thought it would be best to make a different list of them and present it to the revisory board, and we put them with the doubtful list with some others, and sent them to the revisory board.

Q You didn't place them upon the regular roll you were making up?

A Not at that time.

Q [redacted]

Q But placed them on a doubtful list and transmitted them to a higher authority? A Yes sir.

Q I will ask you if they received their lease district money, as you are informed? A Yes sir.

Q Did they receive the lease district money at the time the great body of Cherokees and Chickasaws were paid? A No sir.

Q How long afterwards was it they were given the money? A I don't know whether it was the same year or not; I think probably it was the next council.

Q They were refused payment at the time the main payment was made?

A Their names did not appear on that roll at all.

Q Now, as you understand it, was the payment made to them, and when?

A When the Commission met they passed some sort of a resolution that there should be a revisory board consisting of the Cherokee Chief, secretary, treasurer, editor and attorney, that was to act as a revisory board, and all those left out, or still considered doubtful, their cases would be presented, and they would be passed upon then

Q As you understand it that was the way? A Yes, they appeared upon this list and were passed upon. I do not know as to how many. I think John Ormsdorf was still left out until the next council before he was paid.

Q None of these names appear on the regular roll for the lease district payment? A It is on one of these lease district books--all of these left over cases. These rolls are labeled for each county, and this one for the Cherokee Nation. I know these names that were not paid at the regular payment were not on these counties, but were put in the Kiamatia county.

Q Then these names were placed upon what seemed to be a supplementary roll, made after the other roll, and in a different way?

A No, it is the same way, only it is a different book.

Q Were these people ever enrolled or recognized prior to the making up of these payrolls in 1893? A Not that I know of.

Q So far as you know, these persons were never put on any roll up to that time? A I cannot say.

Q You was a member of this Commission that made up the roll in the Cherokee Nation? A Yes sir.

Q What is the jurisdiction, power and authority of that Commission under the law? A Their power was a little bit different, and possibly harder to determine than those in the Cherokee Nation for

the reason that Chickasaws that lived in the Choctaw Nation have always been enrolled as recognized citizens, but in the Chickasaw Nation, Choctaws either by blood or marriage had no rights, and we had to go over each case as we found it.

Q Do you understand you had citizenship jurisdiction? A I don't think we had power to make citizens, or recognize citizenship, but to a certain extent we did do it.

Q It was not your understanding that the Committee had the power to admit persons to citizenship that had not theretofore been recognized as citizens? A I could not say that we considered it in the light of recognition; we had to proceed and make a statement as to whether they were Choctaws or not.

Q Do you remember the requirements of the law? A To enroll all Choctaws by blood residing in the Choctaw or Chickasaw Nations at the date of the passage of that act, which was sometime in March or April of that spring.

Q Do you understand that you had power to enroll persons who had Indian blood, who, to your certain knowledge had just removed to the Indian Territory, and had never been admitted by the Choctaw council

A No sir.

Q Do you know if the names of these persons are on the '96 roll?

A I couldn't say.

Q Who composed the Commission by which the roll of '96 was made up?

A In the Chickasaw district? A

Q If there was a separate ~~district~~ commission for the Chickasaw district? A There was. It was Judge Lewis, Joseph Gardner and Julius Folsom composed that commission.

Q Who appeared before you in the Chickasaw Nation in making up this pay roll, on behalf of these people. A No one.

Q Who seemed to look after them? Who seemed to look after their business for them? A Old man Ormsby himself, came while we were at Wynnewood, and he rather left the children in the church there. It seemed there was some process for him in the courts, and we got to asking him questions, and when his turn came he had taken to the brush; and we couldn't find anyone to identify them.

Q Was he at that time, married to Kate Karl? A I don't know whether he was married to her.

Q But you understood that he was at that time married to her? A No, I don't know it.

Q You refer to Ed Ormsby? A Yes sir.

Q Did Kate Karl appear before the Commission on behalf of these children? A No, I never saw her.

Q How old was the oldest one? Was it grown? A No, I don't recollect Mollie Boswell married shortly after. If she was, she was very young.

Q Is it our recollection and testimony that only these applicants appeared before the Commission, and that no one else appeared for them? A No one else appeared for them; I know these children were standing and crying, and we had to get someone to get them away.

Q What character of testimony did they give before you when they so insisted? A They stated-- I don't know that they presented any testimony, more than they claimed this--

Q How was it got up? By deposition or personally? A Personally, and we put them on the doubtful roll. Gardner, who was one of the Commission, lived within a few miles of the Richards place, where they claimed their mother was raised.

Q They claim that their mother had at one time lived with Richards?

A Yes, and Gardner says, we will put them on the doubtful roll and when I get home I will look up the matter.

Q Then they claimed that their mother, whom they claimed at one time was Miles Nobles, had lived with Bill Richards? A Yes, on the Bill Richards place.

Q They said that Bill Richards would have them? A I won't know as

they did; they claimed their mother was raised on the place; They said their mother was Lilla McCoy that she was a Choctaw and was raised on the Richards place.

Q Where is the Bill Richards place? A About 9 or 10 miles east of Caddo.

Q Do you know Bill Richards personally? A I know his place.

Q Is it your understanding that he is still living? A Yes, I think he is; he was the last time I knew anything about him, a year ago.

Q Did you see Kate Karl that spring in the Choctaw Nation?

A No sir.

Q She didn't appear before your commission at all? A No, if she did, I don't remember at all, and I ought to have known Kate Karl because I have represented her in a case. If her name was mentioned I would have know it.

Q It is your recollection that she did not appear in behalf of these children? A I don't think she did.

Q When did you first hear of her in the advocacy of the claims of these children? A I don't know; sometime after that, or long about that time; it may have been it was right after that close.

Q I will ask you whether or not you know if the names of these persons appear on the '96 rolls? A I would not say.

Citizenship roll of the Choctaw Nation, 1896, examined, and it is found that the names of George W. Blevins, Ida Rose Blevins, John Orndorf and Frank Boswell, are not there.

C R O S S E X A M I N A T I O N:

By Mr. Claude Weaver:

Q You state that you, in connection with two other Choctaw Indians, formed a committee for the enrolling of Choctaw Indians residing in the Chickasaw Nation, for the purpose of distributing money among them? A Yes sir.

Q Who were they? A Green Gardner and Mr. Jones.

Q These parties made application as Choctaws by blood, living in the Chickasaw Nation? A Yes sir.

Q Was there any roll of Choctaw Indians at that time? Any general roll of Indians by blood? A No, there was no roll up to that time that I knew of.

Q That was the first attempt at a complete roll of the Choctaws by blood that was made? A Yes, so far as I know; in my life time.

Q By what authority did you act? Your commission? Yourself and the other two? A By an appointment from our chief, under an act of the council authorizing him to make these appointments.

Q You held your commission by appointment of the Chief of the Choctaw Nation, and he acted under virtue of the law of the Choctaw council? A Yes sir.

Q Then there was a revisory board with final power to enroll Choctaws by blood, for the purpose of receiving these payments?

A Yes, they revised all rolls of both nations.

Q They had final authority over these cases, which you had not enrolled yourself? A Yes, we took them to the revisory board.

Q This revisory board had final power under agreement of council to make this roll? A Yes sir.

Q Then the revisory board did enroll these applicants as Choctaws by blood residing in the Choctaw Nation, and entitled to receive the lease money, did they not? A That was my understanding, I was not present. I simply saw the records placed in my hands afterwards.

Q You have seen these names on these records? A Yes sir.

RE-DIRECT EXAMINATION.

By Mr. Cornish:

Q When these children appeared before you at Calbert and Hunnewell did they make any statement as to where they had lived previously?
A If they did, I don't remember.
Q Do you remember if you learned from them at time, if they had lived for many years in Denison, Texas, and had only recently removed to the Indian Territory with Christo-father, Ormdorf?
A That state of facts was not brought out before us at that time.
Q Did they pursue the matter from their appearance before you to the revisory board, either by personal attorney? A I can't say.
Q Do you know whether anyone was present before the revisory board to represent them? A I couldn't say.
Q Do you know whether they were present either in person or by attorney, or had anyone representing them before the Committee, when the money was finally paid to them? A I know this, that I got there just after they had received their money and Green Gardner, it appears, went in and got the money for them.
Q Didyou see Kate Earl, about the Commission of the Choctaw Council about that time? A If I did, I didn't know it. Wife Hybarger was there; I don't think Mrs. Earlwas there.
Q You don't know whether she appeared before thereviwory board or not? A No sir.

Luke P. Moore, being first duly sworn by Acting Chairman Wixby, testified as follows:

By Mr. Cornish:

Q What is your name? A Luke P. Moore.
Q How old are you? A 71 years.
Q Where doyou live? A Sterrit, Indian Territory.
Q Are you a citizen of the Choctaw Nation? A Yes sir.
Q Do you know Ed Ormdorf? A Yes sir.
Q Where did you know him?
A I disremember exactly; some years ago.
Q Where was he living when you knew him A On the Washita.
Q What family did he have? A He married a widow womwith two children.
Q Whom did he marry? A Kate Earl.
Q Was she a Choctaw Indian? A Yes sir.
Q She had two children? A Yes sir.
Q Did he have some children when he married her? A Yes sir.
Q When did he come to the Indian Territory? Where from?
A Denison, I believe.
Q How many children did he bring with him? A I disremember; four or five.
Q Do you remember the names of any of them? A The oldest was named Nellie, and the oldest boy was named John.
Q Do you remember the names of any of the others? A No sir.
Q Do you think you could remember them? A I have heard them, but I disremember them now.
Q You think there were four or five of them? A Yes
Q In what year was it that you know Ormdorf on the Washita? A Somewhere in the '80's
Q Do you know if these children that Ormdorf brough with him from Denison, Texas, to which you have referred, are admitted to be Choctaw Indians? A Yes, it is my understanding.
Q I will ask you if Ormdorf made any statement to you as to these children? A He said they was his children.

Q Did he state anything further in regard to them; did he state what nationality these children were? A Yes, he said they were Germans.
Q When was that? A It was in '90 sometime.
Q Do you know where Orndorf is at this time? A He was up in the Pott country.
Q Do you know the present name of this girl Mollie? A She married a German by the name of Jim Harbarger
Q Did you say German or gentleman? A German, I think.
Q Did Orndorf make any other statement to you in regard to these children? A I disremember now.

CROSS EXAMINATION

By Mr. Weaver:
Q He told you they were Germans? A Yes sir.
Q And that they were his children? A Yes sir.
Q Orndorf was a German himself? A I think he was.
Q Did he speak German fluently? A I never heard him.
Q Do you speak German yourself? A No sir.
Q Was that before or after these children began to claim rights of Choctaw citizenship? A That was before I reckon.
Q Was he at that time, married to this Choctaw woman? A Yes.
Q Did he make any statement as to whether or not these children were Indian blood? A No sir.
Q He only made the statement that they were German? A Yes sir.
Q Do you remember the time Mollie Nyharger married this man Nyberger?
A I can't tell you the year.
Q Do you know of any statement that Mrs. Earl, the wife of Orndorf, made to the county judge of the Choctaw county where they were residing, about the time of this marriage? A No sir.

J. M. Franklin, being first duly sworn by Act ing Chairman Bixby, testified as follows:
By Mr. Cornish:
Q What is your name? A J. M. Franklin.
Q Where do you live? A Colbert, Indian Territory.
Q How old are you? A 47 years.
Q Are you a citizen of the Choctaw Nation? A Intermarried.
Q Do you know these applicants, Ida Rose Blevins, Frank Russell, George W. Blevins, and John Orndorf, and also, Annie Roberts and Millie Nyharger? A Not personally.
Q Do you know Dr. W. F. Murray? A Yes sir.
Q Please relate to the Commission hat tookplace in your presence and Dr. Murrays, in regard to these people new years ago, and what steps you took inconsequence?
A I think it was in 1903 Dr. Murray and myself were going to Tishomingo; I had some business with Henry Earl, whom I was representing b at that time in a case pending before the Choctaw Nation. We drove by Mr. Earls and took dinner. While there, the question of these Orndorf children came up. Mr. Earl and his daughter stated that Kate---

By Mr. Weaver: Who else was present? A Dr. Murray and myself and Mr. Earland his daughter.
Question objected to

A In the conversation Earl stated that Mrs. Orndorf had put these Dutch children in the orphans home; that I believe that was about the sum and substance of that conversation.
Q What did you do? Where did you go? A A Upon our arrival at Tishomingo, I met with Moseley who was school superintendentof the Chickasaw Nation, and I related to him what Earl had told me in regard to these children, and he said he would go down and take them out of the school.

Q Do you know what her he did or not? A Not of my own knowledge.
Q Mr. Murray was present when this conversation took place, was he?
By Mr. Weaver: I move to strike out the testimony of the witness, because we feel that/he stated is within his own knowledge, and because all of his testimony is hearsay, and none of the statements of himself or other third parties were made in the presence of any of the contestants.
By Mr. Wisby: The objection is sustained as to that portion that relates to what the witness has stated was told by other parties--by Earland his daughter.
Q Do you know this girl, Mollie?
A I met her once at old Friar creek in the Chickasaw Nation.
Q Do you know when she married Jim Nyberger? A A I was present when she married him.
Q Was Kate Earl present? A Yes sir.
Q What people did she maintain? A She came therewith them. With Nyberger and this girl.
Q Just how was Kate Earl related to this girl, as you understood?
A I understood her to be her stepmother.
Q Who was Kate Earl's husband at that time? A Ed Orndorf.
Q How long had he lived in the Choctaw Nation prior to that time?
A Just a short while.
Q Where did he come from to the Territory?
A I don't know only from hearsay.
Q When he came into the Territory, did he bring these children, Mollie, Annie, John, Frank and Ida? A I don't know.
Q You don't know whether he came from Texas and brought these children with him? A No sir.
Q After he came he married this woman, Kate Earl? A Yes sir.
Q These children were living with him at that time, were they not?
A I could not state.
Q What statement if any, was made at that time by Kate Earl, the Chickasaw woman, with regard to this girl Mollie? A When the application was made for a license to Judge Dickinson, he was dilitory about granting the license, and Mrs. Orndorf came to the relief and said that this girl was a relation of hers, and that she was a Choctaw girl.
Q Did she state what relation? A My impression is not positively; I believe she stated the girl was her niece.
Q Upon that statement, as you believe, the license was granted?
A Yes sir.

CROSS EXAMINATION.

By Mr. Weaver:
Q Was you present when Mrs. Orndorf made this statement? A I was
Q You state that she said the girl was a relation of hers? A Yes.
Q Do you knowwhether or not she stated positively, that this girl was her niece? A I could notstate positively that is my recollection.
Q Who else was present? A Judge Law, I believe Mrs. Thompson that is now dead, Jim Thompson and Mr. Nyberger, a gentleman who represented that name whom I had never seen before, and other parties.

---o---

Palmer E. Mosely being first duly sworn by Acting Chairman Bixby, testified as follows:

By Mr. Cornish:

Q What is your name? A Palmer E. Mosely.
Q What is your age? A 48 years.
Q You are a citizen of the Chickasaw Nation? A Yes sir.
Q You have held various officials positions under the Chickasaw government? A Yes sir.
Q Where do you live? A I live at Wapanucka.
Q Do you know these claimants, Annie E. Roberts, Ida Rose Blevins, John Orndorf, Frank Boswell and Nellie Rybarger? A Not by those names, but I think I know Nellie.
Q Were any of these children, at one time, in the schools of the Chickasaw Nation? A Yes sir.
Q What official position did you hold at that time? AA School superintendent.
Q When was that? A In 1896--along 1897-8.
Q Upon whose statement was it they were put in the Chickasaw school?
A Of Kate.
Q What was her name at that time? A I believe Orndorf at that th.
Q What had been her name before that? A I had never met her before that time.
Q Was she a Chickasaw woman? A Yes sir.
Q Who was her husband at that time? A Orndorf.
Q What statement did she make in regard to these children?
Q She stated th t was her own children; seemed like some relation of her own children.
Q She vouched for them? A Yes sir.
Q And it was upon her statement that you put them in the Chickasaw school? A Yes sir.
Q Did you subsequently remove them from the Chickasaw school?
A Yes sir.
Q Upon what information? A Several persons. Franklin was one of them
Q Did you get information from Murray too? A Yes sir.
Q What was the information? A That they was not Chickasaws, that they was German or Dutch or something like that. It was reported to me
Q Did Kate claim that they were Choctaws ? A Kate claimed to be Chickasaw.
Q Did she claim to be Choctaw or Chickasaw? A She claimed Choctaw and some Chickasaw blood.
Q It was upon his information that you removed them? A Yes.
Q Were they afterwards re-admitted to the Chickasaw schools?
A No sir.
Q You reported verbally to Kate yourself?
A I reported to her myself after I removed them, and she hesitated and didn't want to talk about it; she was horseback and she left
Q You wanted to talk with her about it and she left you? A Yes.
Q Do you know what her relationship was to these children?
A No, I don't

CROSS EXAMINATION.

By Mr. Weaver:

Q Didn't she claim that these children were Choctaws? A No sir.
Q She claimed that they were her children? A Yes, but I didn't ask her if she was their mother or not.
Q She was their step-mother, was she not? A I think so that was what I was informed as near as I can make it out.
Q They never made any attempt to re-enter your school? A No sir.
Q They made no application any more? A No sir.
Q They didn't come back when you told Kate to take them out? A Yes, and she was horse back and just left.
Q How many children were in the school? A I believe two.
Q Do you remember the names? A I think McIlroy was one.

Q Do you know how long they were there? A They were there one session.

RE-DIRECT EXAMINATION.

By Mr. Cornish.
Q Were Choctaw children given admission to your schools? A No

RE-CROSS EXAMINATION

By Mr. Weaver.
Q If they had been Choctaw children they would not have been given admission to your schools? A No, she was a Chickasaw. I understood the children were.

Testimony on behalf of the Applicants.

J. C. Hyberger, being first duly sworn by Acting Chairman Bixby, testified as follows:
By Mr. Weaver:
Q State your name? A J. C. Hyberger
Q You are the husband of Nellie Hyberger? A Yes sir.
Q Are you a german? A No, I can't say that I am.
Q You are a native of what state? A Texas.
Q I think you stated that you are the husband of Nellie Hyberger?
A Yes sir.
Q What is the relationship of Frank Roswell to this girl?
A Brother.
Q How long have you known Frank Roswell? A Fourteen years.
Q How old was he when you first knew him? A About 11 years old.
Q Where was he living? A He was living on the Washetah near Calbert.
Q In the Indian Territory? A Yes sir.
Q Where does he live now? A At Hoffman, Indian Territory.

Frances R. Brown, having been first duly sworn upon her oath stated that as stenographer to the Commission, to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on the 7th day of December, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Frances R. Brown

Subscribed and sworn to before me this 11th day of December, 1900.

Acting Chairman.

MEMORANDA.

(Date) Aug. 24 1899.

Name John Amburgh

Choctaw ? yes County ..... Year ..... No. .....

Chickasaw ? ..... County ..... Year ..... Page .....

Citizen by blood ? yes Mother's citizenship Choc

Intermarried citizen ? .....

Married under what law ? .....

License filed this day, ...

Wife's name, ...

Choctaw ? ..... County ..... Year ..... No. .....

Chickasaw ? ..... County ..... Year ..... Page .....

Citizen by blood ? ..... Mother's citizenship .....

Intermarried citizen ? .....

Married under what law ? .....

License filed this day .....

Names of children:

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

v Ap p 12 c 418-93 PP Examiner Co

Not admitted by Council or the Commissio

fee of enrollment is Lawful

D358

Muscogee, Indian Territory,

August 16th, 1900.

John Orndorff,

McGee, Indian Territory.

Dear Sir:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs Wolfenden, Mansfield, Courtney & Cornish, has filed with this Commission a notice of protest to your enrollment as a citizen of the Choctaw Nation.

The Commission, commencing December 3rd, 1900, will hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Acting Chairman.

7-D-38.

Choctaw D 388

Muskogee, Indian Territory, February 11, 1904.

John Ornderff,

McGee, Indian Territory.

Dear Sir:

You are hereby advised that under direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Choctaw and Chickasaw Nations dated January 25, 1904, no further action will be taken relative to your enrollment as a citizen by blood of the Choctaw Nation until the Commission is further instructed by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

Choctaw D 388

Muskogee, Indian Territory, March 15, 1904.

John Orndorff,

McGee, Indian Territory,

Dear Sir:

Your letter of February 24, 1904, addressed to the Secretary of the Interior, relative to your enrollment as a citizen by blood of the Choctaw Nation has been by him referred to the Commission for consideration and appropriate action.

In reply thereto you are advised that on February 6, 1904, there was filed with the Commission the protest of the attorneys for the Choctaw and Chickasaw Nations, dated January 23, 1904, requesting that final action in your case be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of Mattie Lee Armstrong, et al. versus the Choctaw and Chickasaw Nations, Number 59 on the Tishomingo Docket, in which the said court will decide the question of what compliance, by the applicants or their ancestors, with the third or the fourteenth articles of the treaty of 1830 was necessary in order to be entitled to enrollment and to participation in the distribution of tribal property of the Choctaws and Chickasaws, notwithstanding their recognition as citizens by the tribal authorities of the Choctaw Nation, which question, they state,

J O 2

is involved in the case to which their communication refers.

Under the instructions of the Secretary of the Interior of November 18, 1904, the Commission is estopped from taking further action in cases of this character, wherein protests have been filed by the attorneys for the Choctaw and Chickasaw Nations, until further directed by the Department.

Respectfully,

Commissioner in Charge.

7-B-368

Muskogee, Indian Territory, October 18, 1904.

Albert Rennie,

Attorney at Law,

Paula Valley, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of the 13th instant, stating that you have been employed by John Orndorff of McGee, Indian Territory, to inquire into the status of the application for enrollment of himself and that of his wife Clara Orndorff as citizens of the Choctaw Nation.

You are informed that the Commission has not yet passed upon the application for enrollment of John Orndorff as a citizen by blood of the Choctaw Nation. His case, however, is now under consideration and as soon as a decision is reached therein, you and the applicant will be duly notified of the action taken.

You are further informed that the Commission is unable to identify Clara Orndorff as an applicant for enrollment as a citizen of the Choctaw Nation. If you will state her age, her maiden name, the time and place application was made for her enrollment, and whether she is a citizen by blood or intermarriage,

A. R. #2

you will be further advised in the matter.

Respectfully,

Chairman.

7-5690

Muskogee, Indian Territory, March 3, 1906.

Joseph A. Edwards,

Wetumka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of February 24, 1906, in which you ask the status of the application of John Orndorff for enrollment as a citizen of the Choctaw Nation and also the status of his wife and child.

In reply to your letter you are informed that the name of John Orndorff has been placed upon a schedule of citizens by blood of the Choctaw Nation which has been forwarded the Secretary of the Interior, but the Commission has not yet been notified of the action taken therein.

If you will mention the name of his child referred to in your letter your inquiry will receive further consideration.

Respectfully,

Commissioner in Charge.

7-8890

Muskogee, Indian Territory, March 16, 1905.

Joseph A. Edwards,

McGee, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of March 11, 1905, in which you ask the status of the case of Clara Belle Orndoff, wife of John Orndoff as an intermarried citizen of the Choctaw Nation and the case of Bertha May Orndoff, child of the above named applicant.

In reply to your letter you are informed that it appears from our records that John Orndorff has been enrolled by the Commission as a citizen by blood of the Choctaw Nation and his name has been placed upon a schedule of citizens by blood of said Nation which has been forwarded the Secretary of the Interior, but the Commission has not yet been notified of Departmental action thereon.

It does not appear from our records that application has been made to this Commission by or on behalf of Clara Belle Orndorff for enrollment as an intermarried citizen of the Choctaw Nation or for the enrollment of Bertha May Orndorff as a citizen by blood of said Nation.

Respectfully,

Chairman.

W.O.B.

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BREEDLOVE.

WM. O. BEALL,
Secretary.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
7--5890.

Muskogee, Indian Territory, May 6, 1905.

John Orndorff,

Pauls Valley, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the affidavits of Clara Orndorff and Susie Bullock to the birth of Bertha May Orndorff, daughter of John and Clara Orndorff, December 19,1903.

It appears from the affidavit of the mother that she is a noncitizen, and our records show that your enrollment as a citizen by blood of the Choctaw Nation was not approved by the Secretary of the Interior until March 15, 1905.

Under the provisions of the Act of Congress approved March 3, 1905, the Commission was authorized for a period of sixty days from that date to receive applications for the enrollment of children born between September 25, 1902 , and March 4, 1905, to citizens by blood of the Choctaw and Chickasaw Nations, whose enrollment had prior to that date been approved by the Secretary of the Interior.

You will therefore see that the Commission is without authority to enroll your child.

Respectfully,

Commissioner in Charge

7-8830
7-MB-1472

Muskogee, Indian Territory, March 1, 1906.

T. G. Walker,

Stonewall, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of February 24, 1906, in which you state that the wife and child of John Orndorff concerning whom you requested information in a previous letter are Clara and Bertha May Orndorff.

In reply to your letter you are advised that it does not appear from the records of this office that application has been made for the enrollment of Clara Orndorff, wife of John Orndorff, for enrollment as an intermarried citizen of the Choctaw Nation.

It appears that application was made for the enrollment of Bertha May Orndorff as a new born citizen of the Choctaw Nation, but the enrollment of her father not having been approved until after March 3, 1905, a decision was rendered by the Commission to the Five Civilized Tribes on June 30, 1905 declining to receive or consider the application.

The record in this case was forwarded the Secretary of the Interior on that date and this office has not yet been notified of Departmental action thereon.

Respectfully,

Acting Commissioner.

Choctaw 8890

Muskogee, Indian Territory, June 14, 1906.

John Ornderff,

R F D #1, Box 17,

Valley Mills, Texas,

Dear Sir:

Receipt is hereby acknowledged of your letter of June 3, asking if application for the enrollment of your child was received.

In reply you are advised that affidavits to the birth of your child, Bertha M. Ornderff have been filed as an application for her enrollment, and you will be notified in the event further evidence is necessary.

Respectfully,

Commissioner.

7-5890

Muskogee, Indian Territory, January 3, 1906.

Charles von Weise,

Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of December 11, 1905, inclosing motion in the matter of the application for the enrollment of Clara Bell Orndorff as a citizen by intermarriage of the Choctaw Nation and the same is returned you herewith and you are advised that if it is alleged that application was made for the enrollment of Clara Bell Orndorff as an intermarried citizen of the Choctaw Nation within the time provided by the act of Congress approved July 1, 1902, she will be heard upon her personal appearance at this office accompanied by witnesses who have knowledge of the facts, reasonable notice of the time of taking such testimony being first served upon the attorneys for the Choctaw and Chickasaw Nations

Respectfully,

Commissioner.

EB 1-3.

W.028.

Commissioners:
DANA H. KELLY,
THOMAS B. NEEDLES,
C. R. BREVARD,
WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee D 358

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 7, 1905.

John Ormderff,

McGee, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered January 7, 1905, granting your application for enrollment as a citizen by blood of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling you as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, your name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Chairman.

Registered.
Incl. 7-D-358.

Choc 5891 Myra Hendrix

Trans from Choc D-408 Jan 28, 1905

5891

7-D-408.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Record in the matter of the application for enrollment as a citizen by intermarriage of the Choctaw Nation of

MYRA HENDRIX.

Commission to the Five Civilized Tribes,

Atoka, Indian Territory.

In the application of Myra Hendrix for enrollment as an intermarried Choctaw; Thomas Homer being sworn and examined by Com'r McKennon testifies as follows:

(Wm. Anderson, Chick Com'r, Interpreter:)

Q What is your name? A Thomas Homer.

Q How old are you? A Fifty-eight.

Q Do you know Myra Hendrix? A Yes sir.

Q Did you know Morris Nelson? A Yes sir.

Q Was he a Choctaw citizen? A Yes sir.

Q She is a white woman? A Yes sir.

Q Were you present when they were married? A Yes sir.

Q You saw them married? A Yes sir.

Q Who married them? A Jim Jerry.

Q What was he? A He was a Minister of the Gospel.

Silvey Homer being sworn and examined testifies:

Q What is your name? A Silvey Homer.

Q How old are you? A Over fifty.

Q Did you know Morris Nelson? A Yes sir.

Q Was he a Choctaw? A Yes sir.

Q Do you know Myra Hendrix? A Yes sir.

Q She is a white woman? A Yes sir.

Q You saw them married? A Yes sir.

Myra Hendrix being sworn and examined testifies:

Q What is your name? A Myra Hendrix.

Q How old are you? A Thirty-two.

Q You were married to Morris Nelson, a Choctaw citizen, when?

A In 1884.

Q Did you live with him until he died? A No sir.

Q How long did you live with him? A Thirteen months.

Q You then separated from him? A He separated from me.

Q Did you get a divorce from him? A Yes sir.

Q You got the divorce? A Yes sir.

Q In the Choctaw court? A Yes sir.

Q And then you married a white man? A No sir.

Q Never married again? A Yes sir, but I married a citizen.

Q What is his name? A Albert Perkins

Q Are you living with him now? A No sir.

Q Have you separated from him? A He left me.

Q Are they both living? A Albert is living, Nelson is dead.

Q You haven't married a white man? A Yes sir, I have married a white man now, I married lately.

Q When did you marry a white man? A Two years ago the 18th of last March.

Q What is his name? A John Hendrix.

Q Com'r Needles: Were you divorced from your last Indian Husband? A Yes sir, I suppose so, I don't know anything about it much only through the court.

Q Com'r McKennon: Did he get a divorce from you, the last one? A Yes sir.

Department of the Interior,
Commission to the Five Civilized Tribes.
I hereby certify upon my official oath as stenographer to above named Commission, that the transcript is a true, full and correct translation of my stenographic notes.

M D Green

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Choctaw D-408.

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 1, 1902.

Myra Hendrix,

Atoka, Indian Territory.

You are hereby notified that the application of yourself for enrollment as a citizen of the Choctaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 10th day of April, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

Register.

T. B. Needles.

Commissioner in Charge.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, April 10, 1902.

In the matter of the application of Myra Hendrix for enrollment as a citizen by intermarriage of the Choctaw Nation. D-408.

On the 1st day of March, 1902, the applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were notified by registered mail that the application of Myra Hendrix for enrollment as a citizen of the Choctaw nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee Indian Territory on the 10th day of April, 1902, for final consideration.

Now on this 10th day of April, 1902, this cause coming on to be heard pursuant to said notice, the Choctaw Nation failed to appear and the applicant appears by his attorney J. C. Ralls and submits his cause upon the record and evidence now on file. Ten days is granted the applicant within which to file brief.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on the 10th day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of April, 1902.

Hal Belford

Subscribed and sworn to before me this 10 day of April, 1902.

Marmie Underwood
Notary Public.

THE CHOCTAW NATION.

13

In Circuit and Chancery Court of Blue County, Regular Feb Term, 1886

A PETITION OF Mina Nelson being presented by Attorney in said Court, for a

BILL OF DIVORCE,

setting forth the facts, etc., after the Court hearing the Testimony in regard to the Petition do order and decree that a Bill of Divorce be issued to the applicant Mina Nelson

THEREFORE, I do issue a Bill of Divorce to said applicant Mina Nelson forever releasing her from the bonds of Matrimony heretofore existing between Mina Nelson and Monroe Nelson

GIVEN UNDER MY HAND, and Seal of Office, this 13 day of Feb 1886

J W Parks

Circuit Clerk.

Atoka, County, Choctaw Nation,

December 23, 1891.

This Albert Perkins is a Choctaw; this Myra Nelson is a white woman, and I united them in marriage and so pronounced upon them in obedience to t e Choctaw law and the ordinance of the Lord God; and I give the certificate in witness thereof.

Cumberland Presbyterian Ordained Minister,

Chally Benjamin.

My witnesses:

Silas (_____)
Stephen Hayes.

Lewis G. Battiest being duly sworn states that the above and foregoing is a full, true and correct translation from the Choctaw into the English language of what purports to be marriage certificate issued by Chally Benjamin to Albert Perkins and Myra Nelson.

Lewis G. Battiest

Subscribed and sworn to before me this October 29, 1904.

W. F. Angell

Notary Public.

atolla Leaonty Chahta yakni
Dessemba 23 – 1891

albert Jerbin Ilapat Chahta yaka

myronelson illapat nahollo ohoyo yaka yahmi ho ittihalaly Chit. Chahta ima nalkpisa micha Chitakaka Chihoka ma pisa tok Ceiyima isht aholitobli chit ano ho chilish Ki yahmi hosh mon isht alh tokaka Sitikibit imma li. hoka Gemulin pilisbitilin atin minista lehally B in Giman

Witness
Silas Anderson
Stephen Hayes

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN THE MATTER OF, the application of [illegible] Hendrix, to be enrolled as an inter-married citizen of the Choctaw Nation. Number D. 408.	BRIEF IF BEHALF OF THE APPLICANT.

STATEMENT OF CASE.

The record in this case shows that the applicant, Mrs. Hendrix, is a white woman, and in the year 1884, married a Choctaw Indian citizen, named Morris Nelson. Thos. Homer, age 58 years and Silver Homer, age 40 years, were present at the marriage and testify that Mr. Nelson was a Choctaw citizen. The applicant and her husband lived together thirteen months when they were separated, and the applicant got a divorce in the Choctaw courts, and afterwards married a citizen named, Albert Perkins, who left the applicant, and the applicant on the 18th, day of March, 1893, married a white man named John Hendrix, with whom she is living at this time. The contention in this case is that the applicant by reason of her marriage to the white man forfeited the citizenship that she acquired by virtue of her first marriage to Morris Nelson.

BRIEF AND ARGUMENT.

The contention of the Choctaw Nation in this case is not well taken. The exact question has been decided by the United States Court for the Central District of the Indian Territory on appeal in the case of F. R. Roberson, vs Choctaw Nation, and the facts in that case were in substance as follows: F. R. Roberson was a white man. On the 21st, day of September, 1873, in the Choctaw Nation, in accordance with their laws, he married a Choctaw woman by blood, who was a recognized citizen of the Choctaw Nation; his wife died on the 21st, day of April, 1884 and on August 10th, 1884, he married a [illegible] white woman who was not a citizen of the Choctaw Nation. There is filed with this Commission the written opinion of the Hon.

William H. H. Clayton, which opinion will be found on pages 91 to 107 inclusive. The particular part of his opinion on this particular question will be found on pages 103-104, all of this appearing in the Sixth Annual Report of the Commission to the Five Civilized Tribes to the Secretary of the Interior for the fiscal year, ending June 30th, 1899. For the convenience of the Commission, I copy here the particular part of the opinion in relation to the issue raised in this cause:

" The question is. " Dot the Choctaw statute and the treaty conflict?" If so, the statute must yield to the treaty, and the marriage is legal. If not, they both must stand and the marriage, being in violation of the statute, is void.

At the hearing the question was argued that the first marriage having been solemnized before the enactment of the statutes, the rights of the claimant became vested by that act, and therefore it was contended that although the second marriage was after the statute became a law it could not divest the claimant of those rights which had been conferred upon him before the passage of that act. But the view to take of the legality of this statute relieves me of the necessity of deciding this point.

The treaty makes every white man who may marry a Choctaw or Chickasaw woman a citizen, to use the language of the last words of article 26, above set out, " In all respects as though he was a native Choctaw or Chickasaw." By this provision of the treaty there is to be no difference between a citizen by virtue of his marriage and a native Choctaw. They are to enjoy equally and alike all of the benefits of Choctaw citizenship, as well as share the burdens. Any Act, therefore, of the Choctaw Council passed after the ratification of the treaty which makes a distinction between them, granting to one greater privileges or rights , or imposing on him more burdens than the other, or which shall undertake to enlarge or curtail the rights and privileges which flow from citizenship as to the one and not to the other, would be in violation of this provision of the treaty and therefore void. An act which puts the white man in any respect in a different attitude or condition than the

Indian is void.

The Choctaw statute undertakes to deprive the white man who shall loose his Indian wife and afterwards marry a white woman of all the rights of citizenship. The marriage had vested a title to the lands in him. This is to be divested from him and he is thereafter to be considered an intruder, subject to be removed from the country under the intercourse laws of the United States. This, too, notwithstanding the fact that his children, the issue of his Indian marriage, are Indians by blood and entitled to remain.

Now, unless a marriage of a native Indian to a white woman, after his Indian wife shall have died, has the same effect on him - that is, citizenizes him, divests him of all ~~his~~ title to the Choctaw lands, and deprives him of the right to live in the country- the statute works an inequality, and the white man does not enjoy the same privileges as the native Indian. The citizenship is different, and the rights flowing therefrom are not the same. The one may do an act that the other cannot do; the one has a privilage, that of marrying a white woman, that the other does not enjoy. The important right of unrestricted selection of the wife enjoyed by the native Indian is denied the white citizen by marriage, and therefore the provisions of the statute being in conflict with the treaty, are absolutely void; and it makes no difference whether the first marriage was before or after the enactment of the statute. Of course the latter marriage must be in accordance with the laws of the Choctaw Nation.

I therefore find that the claimant is entitled to be enrolled. I hold also that the offspring of such a marriage would be entitled to be enrolled; the father being a lawful citizen, his children would follow his citizenship, and by inheritance take any property rights he may have acquired thereby; but I do not think that the Commissioners who negotiated the treaty every contemplated that it should extend further and enable a white man, whose Indian wife should have died, to be in a condition that by his second marriage to a white woman he could, by virtue of such marriage, confer on his white wife citizenship so far that in case of his death, she might

remarry and confer on her white husband and her children by her second marriage the rights of Choctaw citizenship."

" The action of the Dawes Commission ~~incorrect~~ in enrolling the claimant is affirmed. Judgment for claimant. "

On page 107 of the same report in the summary of Judge Clayton's opinion, Sixth paragraph of the summary, the following language is used:

" White men who have married Choctaws in accordance with their statutes and the wife dies and the widower afterwards marries a white woman, are, with the children by such marriage, entitled to enrollment, but do not, in case of their death, confer on the white wife citizenship to such an extent that she may confer it on a second white husband, and the children by such marriage."

This same conclusion was reached in the United States Court for the Southern District of the Indian Territory, and in a written opinion filed by Judge Townsend, on citizenship cases, you will find on pages 110-111, of the same annual report, his holding on the particular question, which is in the following language:

" Among all civilised nations it is conceded to be a right that each nation, and in the United States that each state, can exercise and determine by their laws the requirments to be observed in solemnizing marriages, but marriages among civilised nations does not confer citizenship; under the Choctaw and Chickasaw laws it does; besides, it is supposed to carry with it certain property rights. The general rule among civilised nations is that a marriage good where solemnized is good every where, but in some states, where marriages is prohibited between certain races of people, they have not been recognized, though they were lawful where solemnized. I think it is with the power of the Choctaw and Chickasaw nations to say by legislation that before a white person shall become one of their citizens, with all the privileges of one, they shall be married according to the forms and requirments of their laws, and that such legislation is not in violation of the thirty-eight article of the treaty of 1866, but when a white person has married a Choctaw or Chickasaw according to their laws, and resides in the Choctaw or Chickasaw nation, he is in all respects, " As though he was a native Choctaw or Chickasaw," and his rights under the treaty attaches, and it is not within the power of the Choctaw or Chickasaw Nations to take the same away by legislation or otherwise. It has been said that when adoption takes place by an act of thier legislature, the same power that granted can take away. I doubt this proposition, if by the adoption treaty rights have attached, and I am firmly of the opinion that property rights that have attached under the treaty cannot be taken away and that only political rights could thus be abrogated. "

" Along the lines herein indicated the citizenship cases pending in this court will be disposed of."

There decisions were in cases that had been decided by the Commission to the Five Civilised Tribes, under the Act of June 10th,

1896. By that act the Commission was given jurisdiction to hear and determine such questions, and in its determination of such questions, held the same as the courts for the Central and Southern Districts. I have been unable to find any written decision of the Commission and can only refer the Commission to the records in these various cases, where the records show that the applicants were white persons, claiming as intermarried citizens, who afterwards married a white person, and if they applied to the Commission, unless by some error, all such persons were admitted by this Commission. This Commission may be in possession of some written decision of the Commission on the particular point, but whatever the decision of the Commission was, the appeal taken in these cases by the Choctaw Nation and applicants, gave the United States Court jurisdiction; and by the act of June 10th, 1896, the judgments of these courts became final, and the Commission is bound by these holdings, not only in the particular case adjudicated, but in all similar cases that arise in the Choctaw or Chickasaw Nation; these decisions become rules of decisions that are binding, in the determination of all similar cases on this Commission as a branch of the Interior Department as well as the courts. It is not for this Commission to decide whether it is right or wrong.

For the information of the Commission, I quote here from Herman. Estoppel and Res Judicata, Vol. One. Sections 113-114-115.

" All judgments are supposed to apply the existing law to the facts in the case; and the reasons which are sufficient to influence the court to a particular conclusion in one case ought to be sufficient to bring it or any other court to the same conclusion in all other similar cases where there has been no change in the law since the decision. There will thus be uniform rules for the administration of justice, and the same measure that is meted out to one would be received by all others, and even if the same, or any other court, in a subsequent case, should be in doubt concerning the correctness of the decision which has been made, there are consequences of a very grave character to be contemplated and weighed before the experiment of disregarding it should be ventured upon. That state of things, when judicial decisions conflict, so that a citizen is always at a loss in regard to his rights and his duties, is a very serious evil; and the alternative of accepting adjudged cases as precedents in future controversies, resting upon analogous facts, and brought within the same reasons, is obviously preferable. Precedents, therefore, become important, and counsel are allowed and expected to call the attention of the court to them, not as concluding controversies, but as guides to the judicial mind.

" Kent says: "A solemn decision upon a point of law arising in any given case becomes an authority in a like case, because it is the highest evidence which we can have of the law applicable to the subject, and the judges are bound to follow that decision so long as it stands unreversed, unless it can be shown that the law was misunderstood or misapplied in that particular case. If a decision has been made upon solemn argument and mature deliberation, the presumption is in favor of its correctness, and the community

have a right to regard it as a just declaration or exposition of the law, and to regulate their actions and contracts by it. It would, therefore, be extremely inconvenient to the public if precedents were not regarded and implicitly followed. It is by the notoriety and stability of such rules that professional men can give safe advice to those who consult them, and people in general can venture to buy and trust, and to deal with each other. If judicial decisions were to be lightly disregarded, we would disturb and unsettle the great land marks of property. When a rule has once been deliberately adopted and declared, even if erroneous, it ought not to be disturbed, unless by a court of appeal or review, and never by the same court, if it has been acted on as settled law, except for very urgent reasons, and upon a clear manifestation of error; and if the practice were otherwise, it would be leaving us in a perplexing uncertainty as to the law." It is better to leave it to the legislature to correct the error.

The doctrine of Res Adjudicata, applies as well to judgments of courts of last resorts as to those of nisi prius or inferior courts (inferior in the sense that an appeal lies from their judgments). If the same subject matter comes in question in a second action in a court of last resort, it is bound by its own former decision. When the rights of parties have been decided by a court of last resort, whether such decision be right or wrong, by reason of inadvertence, misapprehension, or from other causes the decision so rendered becomes the law of the case, for all subsequent proceedings in it, and is a final adjudication, if the same question should arise between the same parties, or those claiming under them, in a subsequent action, the decision first rendered is conclusively binding upon the court, and cannot be re-examined upon a subsequent appeal, though such court should doubt the correctness of the decision; for it possesses no power to reverse the former decision. The doctrine of the law of the case applied only to the parties or their privies, upon the same cause of action, or substantially the same state of facts. If the judgment be reversed and the cause remanded to the court below for a new trial, a second appeal taken, brings up for review and decision nothing but the proceedings subsequent to the reversal; none of the questions which were before the court and decidedon the first appeal can be re-heard or re-examined upon the second appeal. The decision of a court of final resort upon a given state of facts, becomes the law of the case in regard to such facts. If the cause be remanded for a new trial, the parties have the right to introduce new evidence and establish a new state of facts; when this is done the decision of the court of last rerort ceases to be the law of the case. The trial court is not conclusively bound by the prior decision but is to apply the law applicable to the new and changed state of facts; but if such ~~xxxxxxxx~~ cause is submitted to the court or jury for a retrial upon the same identical facts upon which the appellate court rendered its decision, that decision remains the law of the case, and the nisi prius court must apply the law as laid down by the appellate court to the facts submitted to the court or jury. It cannot vary the decree or examine it for any other purpose than execution, or give any other or further relief, or review it upon any matter decided on appeal for error apparent, or intermeddle with it, further than to settle so much as has been remanded. While the doctrine of such case may be reconsidered and overruled in another case, it cannot be varied or departed from in the same case. Thus if an appellate court has ever so erroneously decided that it has jurisdiction of a cause and then proceeds to determine it on its merits, the parties to the cause are bound as Res Adjudicata by the decision of the court, that it has jurisdiction as well by the decision of the court on its merits. Such court cannot examine the propriety of a decision made at a former term inter-partes, nor set aside such a decision on the ground that it decided matters cases non judice at the time. Otherwise, by the interposition of a new judge, the law, which has been settled by the majority of the court for years, might be changed and a new rule introduced. Cases which have been brought to such courts on certiorari or writ of error, and determined, might be re-opened, and rights which have grown up under them disturbed.

Thus in a chancery cause a commissioner reported that the lands of certain persons, not parties to the cause, were liable to be sold in the cause, the courts confirming this report, and ordered the sale of their lands, they appealed from thi s decision, and the appellate court on their appeal heard the cause on its various merits and affirmed the degree, the appellants were bound by the decree, as res adjudicata, as the appellate court in so deciding, must have held that it had jurisdiction not only of the cause but also of the parties; and that judgment as well as that on the merits of the case, was binding on the parties.

But where the Supreme Court has based its judgment upon the concessions of counsel it is nevertheless not precluded, or another trial from questioning the legal soundnesss of these concessions; it seems, however, that the parties themselves are not at liberty to dispute the ground of the judgment, but must be governed throughout by the rule first laid down. In support of the following doctrine laid down by Mr. Herman, I copy from Cooley on Constitutional Limitations, Sixth Edition, page 60. His statement entitled "Quotations of Judicial Decisions."

" A question which has arisen and been passed upon in these cases may arise again in another way, it may present itself under different circumstances for a decision of some other department or officer of the Government, it therefore becomes of the highest importance to know whether a particular one, authoritively declared, is to be regarded as conclusively settled for the guidance not only of the court declaring it, but of all courts and all departments of the Government, or whether on the other hand the decision settles the particular controversy only so that a different decision may be possible, or considering the diversity of human judgments, even probable, whenever in any new controversy other tribunals may be required to hold and decide upon the same question. In some cases, and for some purposes the conclusiveness of a judicial determination is beyond question final and absolute. A decision having been made in a particular controversy by the highest court authorized to pass upon it, is conclusive upon the parties to a litigation, and their privies, and they are not allowed afterwards to revive the controversy in a new proceeding, for the purpose of raising the same or any other questions. The matter in dispute has become res judicata, a thing definitely settled by judicial decision, and the judgment of the court imposes absolute verity, whatever the question involved, whether the interpretation of a private contract, the legality of a definite act or validity of a legislative enactment, the rule of finality is the same; the controversy has been adjudged, and once finally passed upon it is never to be renewed; it must happen therefore, that a question of constitutional law will be decided in a private litigation, and the parties to the controversy and all other subsequently acquired rights under them in the subjectx matter of the suit, will thereby become absolutely forever preclude from renewing the question in respect to the matter then involved. The rule of conclusiveness to this extent is one of the most inflexible principles of the law in so much, that even if it were subsequently held by the courts that the decision in the particular case was erroneous, such holding would not authorize the reopening of the old controversy in order that the final conclusion might be applied thereto."

Again on page 63, Mr. Cooley uses the following language.

" All judgments, however, are supposed to apply the existing law to the facts of the case, and the reasons which are sufficient to influence the court to a particular conclusion in one case, ought to be sufficient to bring it, or any other court, to the same conclusion in all other like cases where no change of law has intervened. There would thus be uniform rules for the administratxion of justice and the same measure that is meted out to one would be received by all others; and even if the same, or any other court in a subsequent case, should be in doubt concerning the correctness of the decision which has been made they are consequences of a very grave character, to be contemplated and weighed, before the experiment of disregarding it should be ventured upon. That state of things, when judicial decisions conflict, so that a citizen is always at a loss in regard to his rights and his duties, is a very serious evil, and the alternative of accepting adjudged cases as precedents in future controversies, resting upon analogous facts, and brought within the same reasons is obviously preferable. Precedents, therefore, become important,

and counsel are allowed and expected to call the attention of the court to them, not as concluding controversies, but as guides to the judicial mind."

Following Mr. Cooley's statements he quotes from Chancellor, Kent's Commentary Vol. One, page 475, being the same quotation as given by Mr. Herman, above cited in Section 114. This same doctrine is adhered to by Mr. Wells in his work on Res Adjudicata and Stare Decisis; commencing on page 541, he discusses the proposition above quoted, citing in support of his proposition a number of decisions.

Mr. Southerland, in his work on Statutory Construction, in Section 313, discusses the same propositions contending for the above principles; citing numerous authorities in support of his contention; in fact all these authorities cite many decisions from the Supreme Court of the United States down, and there is no authority that contends to the contrary. I have been unable to find any decision to the contrary. It has not been my purpose to admit that the courts did not reach a correct conclusion on these propositions, because it was my judgment that the courts were correct in their decisions. As a part of the discussion of the law, in the opinions of Judges Clayton and Townsend, you will find they hold that the Choctaw and Chickasaw authorities had no right to impose terms or forfeiture upon persons acquiring rights under the treaty of 1866. The treaty did not provide that the Choctaws or Chickasaws should have the authority to do so, and a right having been acquired under the provisions of that treaty could not be taken away by an Act of the Choctaw or Chickasaw Councils. In fact the Constitution of the Choctaw Nation would prohibit the Choctaw Council from passing an Act forfeiting the rights of an inter-married citizen.

Section 11 of Article One of the Constitution of the Choctaw Nation, found on page 9, of Durant's Code, 1894, provides as follows:

"That no free man shall be taken or imprisoned, or dissoized of his freehold, liberties or privileges, or outlawed, or exiled, or in any manner destroyed or deprived of his life, liberty and property, but by the judgment of his peers or the law of the land."

Section 21 of the same article, commencing on page 10, provides as follows:

Section 21. "No conviction for any crime shall work corruption of blood and forfeiture of estate. The General Council shall pass no bill of attainder, retrospective law, nor law impairing the obligations of contracts."

There is no provisions made for the trial of a person charged with having forfeited his citizenship. The Choctaw Statute undertakes to declare that a white person marrying a Choctaw woman, afterwards abandoning her, or marrying a white woman, shall forfeit his right as a citizen, but provides no mode of procedure. There is no tribunal given jurisdiction to determine the controversy, and if it were not a violation of the treaty of 1866, save of the Constitution of the Choctaw Nation, the law would be inoperative. If there were a mode of procedure prescribed to adjudge forfeitures, in such cases until such judgment had been rendered, the rights of such a person are beyond question. The case presented here is where there has been no judgment forfeiting the rights of an applicant in proceedings instituted. The Government saw fit not to authorize the Dawes Commission to adjudge these forfeitures.

The provisions in the Curtis Bill provide that white persons marrying Choctaw or Chickasaw persons, according to the laws of the respective Nations should be enrolled, must be construed according to the decisions of these courts on the identical question. For prior to the approval of that Act the opinions of Judges Townsend and Clayton had been filed, and the treaty between the Choctaw and Chickasaw Nations and the United States had been construed, and the construction placed thereon is binding, in construing the Curtis Bill. The Curtis Bill does not attempt to change the treaty, and does not enact any new law. Even if a different construction could be placed upon the Curtis Bill, then it would only apply to such marriages as were solemnized after the approval of the Act, because the law could not, and was not intended to be retrospective.

If this Commission should now hold that inter-married citizens, who not have been admitted by judgment of the Commission to the Five Civilized Tribes, under the Act of June 10th, 1896, or by the United States Courts on appeal, have forfeited their rights by separation from their Choctaw companions, or by marrying white persons, then there would be two distinct rules of decisions as to the same class of persons - one that

were admitted by the Commission in 1896, or admitted by the courts on appeal, retain their citizenship, while the others would be deprived of their citizenship. Such an evil as that is what the authorities, heretofore quoted, had in mind at the time of writing their books, and it is the same evil that all the courts have endeavored to prevent. Such a holding by this Commission would be contrary to all the decisions of courts of last resort, to all noted text writers, and to the opinion of all lawyers.

We submit that there is nothing left for this Commission to do except to enroll such persons. If you should think the judgments of the courts wrong and the law wrong, you are not to blame for it. The question has already been decided, and the law of the land demands that these decisions be followed.

Very respectfully submitted,

J. G. Ralls

Attorney for Applicant

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I. T., November 21st, 1902.

Choctaw D-408
Intermarried

---------oOo---------

In the matter of the application of Myra Hendrix for enrollment as an intermarried citizen of the Choctaw Nation.

Myra Hendrix being first duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Myra Hendrix.
Q What is your age? A My age? Thirty-five.
Q What is your post office address? A Atoka.
Q How long have you been a resident of the Choctaw Nation?
A Lived here for nineteen years, came here in '83.
Q Lived here continuously all that time? A Yes sir, all excepting about seven months.
Q When was that? A Five years ago.
Q Do you claim intermarried rights in the Choctaw Nation?
A Yes sir.
Q What is the name of your Choctaw husband through whom you claim these rights? A Albert Perkins.
Q Is he a recognized citizen of the Choctaw Nation? A Yes sir.
Q His rights have never been disputed? A No sir.
Q When were you married to Albert Perkins? A '91.
Q Where was this marriage ceremony performed? A Five miles west of Coalgate.
Q In the Choctaw Nation? A Yes sir.
Q At that time were both you and Albert Perkins residents of the Choctaw Nation? A Yes sir.
Q Who performed the marriage ceremony? A Charley Benjamin.
Q Minister? A Yes sir.
Q Were you ever married before your marriage to Albert Perkins?
A Yes sir.
Q How many times? A Once.
Q What was the name of your former husband? A Morris Nelson.
Q Was he dead at the time of your marriage to Albert Perkins?
A No sir, we were separated. He was a Choctaw full blood.
Q He was Choctaw full blood? A Yes sir.
Q Were you separated from him? A Yes sir.
Q Had you been divorced? A Yes sir.
Q Was Albert Perkins ever married before his marriage to you?
A No sir.
Q How long did you live with Albert Perkins as his wife?
A Two months.
Q At the end of that time did you separate? A Yes sir.
Q Did you obtain the divorce? A No sir.
Q Did he obtain the divorce? A Yes sir.

Q What was the cause of this separation? A He claimed that he couldn't make me a living; he didn't want me to keep my children, and said he couldn't make a living for them.
Q Did he leave you? A Yes sir.
Q You never attempted to procure a divorce from him? A No sir, I kept him from getting a divorce the first time.
Q Did he furnish you with support during the time you were living together? A No sir.
Q Where were you living when you were living with him? A seven miles and a half north of Coalgate.
Q On his place? A On his grandmother's place.
Q When he left did he leave you on that place? A Yes sir, but he gave me orders to get out or I would be throwed out.
Q How long did you live at this place after that? A I lived there about three weeks, between two and three weeks; I was helpless, bad sick and couldn't get up.
Q Since your divorce from him have you remarried? A Yes sir.
Q What is the name of your third husband? A Taylor Durant.
Q Was he a white man? A No sir.
Q Choctaw Indian? A Yes sir.
Q How long did you live with him? A I lived with him three months.
Q Are you separated from him? A Couldn't call it, not exactly; he took me home where I could get to the Doctor and never came back to me.
Q He left you? A Yes sir.
Q Did you procure a divorce from him? A No sir.
Q Did he procure a divorce from you? A Yes sir.
Q What were the grounds of that divorce? A I couldn't tell you.
Q Did you ever attempt to live with him after that? A Yes sir, and he said he was too old to make me a living and he was better satisfied at home
Q You were perfectly willing to live with him again? A Yes sir.
Q Was that the only reason of the separation? A All I ever knew.
Q Were you remarried after your separation from him? A Yes sir.
Q What was the name of the next husband? A John Hendrix.
Q Is he your present husband? A Yes sir.
Q Is he a white man? A Yes sir.
Q When were you married to him? A Married to him in '97.
Q Where was this marriage ceremony performed? A Tecumseh, Oklahoma.
Q Married under United States law? A Married under Oklahoma law.
Q Have you lived with him ever since? A Yes sir.
Q You are at present a bona fide resident of the Choctaw Nation? A Yes sir.
Q Have you got any children by any of these men? A Yes sir, I had children by my Indian husband.
Q What are the names of those children? A Elizabeth Nelson is the only one I have on the roll.

Myra Kendrix----3

Albert G? McMillan being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 21st day of November, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert G? McMillan

Subscribed and sworn to before me this 16th day of January, 1903.

Mark Hellenger

Notary Public.

7-D-408.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Myra Hendrix as a citizen by intermarriage of the Choctaw Nation.

-: D E C I S I O N :-

It appears from the record herein that the applicant, Myra Hendrix, was lawfully married in 1884 to Morris Nelson, a recognized and enrolled citizen by blood of the Choctaw Nation, who is identified upon the 1885 Choctaw Census Roll, Atoka County, number 951; that they lived together as husband and wife in said nation for about thirteen months, when they separated and were afterwards divorced; that on December 23, 1891, the applicant was lawfully married to Albert Perkins, a recognized and enrolled citizen by blood of the Choctaw Nation, whose name appears as number 124 upon the lists prepared by this Commission, under the act of Congress approved July 1, 1902 (32 Stat., 641), of persons entitled to enrollment as citizens by blood of the Choctaw Nation and approved by the Secretary of the Interior on December 12, 1902; that the applicant and the said Albert Perkins lived together as husband and wife in said nation for about two months, when they separated and were afterwards divorced; that, thereafter, the applicant was lawfully married to Taylor Durant, a recognized and enrolled citizen by blood of the Choctaw Nation, whose name appears as number 11463 upon the lists prepared by this Commission, under the act of Congress approved July 1, 1902 (32 Stat., 641), of persons ehtitled to enrollment as citizens by blood of the Choctaw Nation and approved by the Secretary of the Interior on March 10, 1903; that the applicant and the said Taylor Durant lived together as husband and wife in said nation for about three months, when they separated and were subsequently divorced; that thereafter in 1897 the applicant was lawfully married to John Hendrix, a white man having no rights of Choctaw citizenship by blood; that at the time of her said marriage to the said Albert Perkins he was a resident in good faith of the Choctaw Nation, and that the applicant has been a resident in good faith of said nation since the date of her marriage to the said

Morris Nelson in 1884, up to and including September 25, 1902, except for a period of about seven months during the year 1897.

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of Thornton D. Pearce (I.T.D. 4060-1904), relative to the question of forfeiture, Myra Hendrix should be enrolled as a citizen by intermarriage of the Choctaw Nation, in accordance with the provisions of the acts of Congress approved June 28, 1898 (30 Stat., 495), and July 1, 1902 (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
JAN 12 1905

Choctaw D-428.

COPY.

Muskogee, Indian Territory, January 12, 1905.

Myra Hendrix,

Atoka, Indian Territory.

Dear Madam:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered January 12, 1905, granting your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of the decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling you as a citizen of the Choctaw Nation. If at the expiration of that time, no protest has been filed, your name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Tams Bixby

Chairman.

Registered.

Encl. 7-D-406.

Choctaw D-606.

COPY.

Muskogee, Indian Territory, January 12, 1905.

J. C. Ralls,

Attorney at Law,

Atoka, Indian Territory.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes on January 12, 1905, rendered its decision granting the application of Myra Hendrix for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date hereof within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If at the expiration of said time no protest has been filed, Her name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

CHONEOT.

Tams Bixby
Chairman.

Registered.

Choctaw D-408.

COPY.

Muskogee, Indian Territory, January 12, 1905.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of this Commission rendered January 12, 1905, granting the application of Myra Hendrix for enrollment as a citizen by intermarriage of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If at the expiration of said time no protest has been filed, her name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

Tams Bixby

Chairman.

Registered.

Encl. 7-D-408.

See Choctaw D-800 for registery receipt for this letter.

MEMORANDA.

NC

(Date) Sept 1 1899.

Name .....

Choctaw? ..... County ..... Year ..... No. .....

Chickasaw? ..... County ..... Year ..... Page .....

Citizen by blood? ..... Mother's citizenship .....

Intermarried citizen? .....

Married under what law? .....

License filed this day, ...

2 / Wife's name, Myra Hendrix

Choctaw? yes County ..... Year ..... No. .....

Chickasaw? ..... County ..... Year ..... Page .....

Citizen by blood? ..... Mother's citizenship NS

Intermarried citizen? yes

Married under what law? .....

License filed this day .....

Names of children:

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

+ As to marriage ~~of parties~~ see testimony of herself + that of Thomas Howe + Silvey Howe

D408

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, April 10, 1902.

In the matter of the application of Myra Hendrix for enrollment as a citizen by intermarriage of the Choctaw Nation.	D-408.

On the 1st day of March, 1902, the applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were notified by registered mail that the application of Myra Hendrix for enrollment as a citizen of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee Indian Territory on the 10th day of April, 1902, for final consideration.

Now on this 10th day of April, 1902, this cause coming on to be heard pursuant to said notice, the Choctaw Nation failed to appear and the applicant appears by his attorney J. G. Walls and submits his cause upon the record and evidence now on file. Ten days is granted the applicant within which to file brief.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on the 10th day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of April, 1902.

Hal Belford

Subscribed and sworn to before me this 10 day of April, 1902.

Notary Public.

Atoka, I. T. Nov. 6th--1900

Hon Tams Bixby,

Muskogee, Indian Territory.

My Dear Sir- In reply to yours of 16th of Sept. will say that I married Albert Perkins as you will find from my testimony to which [illegible] can furnish you with affidavit.

He was a Choctaw by blood. After living with him about six months. He secured a divorce from me without my knowledge and consent and without any grounds I was enrolled by the Dawes Commission year before last in July.

Will you kindly inform the kind of testimony you want and on what point and I will send same to you.

Hoping to hear form you soon,

I am yours truly,

Atoka, I. T. Myra Hendricks.

oooOooo

Indexed C-D-408

Commission to Five Civilized Tribes

No.	Received
9495 1900	Nov 7 1900

Hendricks, Myra,

Atoka, I. T.

Nov. _-1900

Rel. to testimony required to establish her citizenship.

File with Choctaw D #408.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
F I L E D
Nov 9 1900

Tams Bixby,
Acting Chairman.

Muscogee, Indian Territory,

August 16th, 1900.

Myra Hendrix,

Atoka, Indian Territory;

Dear Madam;

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs Pefferman, Mansfield, Maurray, & Cornish, has filed with this Commission a notice of protest to your enrollment as a citizen of the Choctaw Nation.

The Commission, commencing December 3rd, 1900, will hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Acting Chairman.

7-D-408.

Muskogee, Indian Territory, September 18, 1900.

Myra Hendrix,

Atoka, Indian Territory.

Dear Madam:-

Since notifying you on August 18, 1900, of the protest filed by the Choctaw Nation to your enrollment as a citizen of the Choctaw Nation, the Commission has been furnished by the Nation with the grounds upon which objection is made to your enrollment. The protest against you is, that you have married out of the Nation.

The Commission is in possession of a sufficient statement of facts upon which a decision may be rendered and in your case it will not be necessary for you to appear at the appointment at Atoka beginning December 3rd, 1900.

The Commission will accept and consider any written arguments on questions of law submitted on behalf of the Choctaw Nation at any time prior to February 1st, 1901, and on your behalf at any time prior to March 1st, 1901.

As soon thereafter as practicable the Commission will consider and finally determine your right to enrollment and the decision of the Commission, stating fully its reasons for any action that may be taken, will be mailed to you.

Yours truly,

Acting Chairman.

7-D-408

Choctaw D 408

Muskogee, Indian Territory, March 28, 1902.

J. G. Ralls,

Attorney at Law,

Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 26th instant, in which you state that you have been employed to represent Myra Hendrix before the Commission on April 16, 1902, and desire to be furnished with a copy of the record in her case.

In accordance with your request there is enclosed you herewith, a copy of all the testimony on file in the matter of the application of Myra Hendrix for enrollment as a citizen by intermarriage of the Choctaw Nation.

Yours truly,

Commissioner in Charge.

Enc Y 100

Choctaw D 408

Muskogee, Indian Territory, April 19, 1902.

J. Q. Ralls,

Attorney at Law,

Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 15th instant, enclosing brief in the matter of the application of Myra Hendrix for enrollment as a citizen by intermarriage of the Choctaw nation, and the same has been duly filed with the records of this office.

Yours truly,

Acting Chairman.

1.

T-D-408.

Muskogee, Indian Territory, September 3, 1904.

Myra Hendrix,

Atoka, Indian Territory,

Dear Madam:

In the matter of your application for enrollment as a citizen by intermarriage of the Choctaw Nation, it appears that you claim your right to enrollment through your marriage to Albert Perkins.

You are informed that there is not sufficient proof of your marriage to Albert Perkins on file in your case, and that it will be necessary for you to produce the original marriage certificate or a certified copy of the same; but if neither of these can be had then you should furnish the affidavits of two or more reputable persons who were present when you married said Albert Perkins and can state that you were lawfully married.

Respectfully,

Chairman.

7-D-408.

Muskogee, Indian Territory, October 12, 1904.

Myra Hendrix,

Atoka, Indian Territory,

Dear Madam:-

In the matter of your application for enrollment as a citizen by intermarriage of the Choctaw Nation, you are advised that before said application can be finally passed upon by this Commission, you must furnish either the original or a certified copy of your certificate of marriage to Albert Perkins, through whom you claim, and must also furnish either the original or a certified copy of the decree of divorce from your former husband, Morris Nelson.

No further action can be taken in the matter of your application until this evidence is furnished and you should attend to it without delay.

Respectfully,

Chairman.

7-D-408

Muskogee, Indian Territory, October 27, 1904.

Commissioner in Charge,

Choctaw Land Office,

Atoka, Indian Territory.

Dear Sir:-

Enclosed herewith you will find a copy of what is purported to be a certificate of marriage between Albert Perkins and Myra Nelson written in the Choctaw language.

You are requested to have the same translated returning the original and the translation thereof to this office at your earliest convenience.

Respectfully,

Enc. E. B. 1-26.

Chairman.

7-D-408

Muskogee, Indian Territory, October 27, 1904.

J. G. Ralls,

Attorney at Law,

Atoka, Indian Territory.

Dear Sir:-

Receiyt is hereby acknowledged of your letter of the 24th instant, enclosing bill of divorce granted Mira Nelson from her former husband Morris Nelson February 13, 1886. You also enclose what purports to be the certificate of marriage between Myra Nelson and Albert Perkins and which is written in the Choctaw language, and the same have been duly filed with the records of the Commission in the matter of the application for enrollment of Myra Hendrix as an intermarried citizen of the Choctaw Nation.

Respectfully,

Chairman.

7-6291

Muskogee, Indian Territory, March 15, 1906.

Myra Hendricks,

Atoka, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of March 10, 1906, asking the status of your enrollment and why you cannot file on your allotment.

In reply to your letter you are informed that the name of Myra Hendricks has been placed upon a schedule of intermarried citizens of the Choctaw Nation which has been forwarded the Secretary of the Interior for approval but the Commission has not yet been advised of Departmental action thereon, and pending the approval of your enrollment by the Secretary of the Interior you would not be permitted to make selection of allotment.

Respectfully,

Chairman.

END
OF
ROLL